

# THE IMPACTS OF THE GOVERNMENT SHUTDOWN ON OUR ECONOMIC SECURITY

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## HEARING

BEFORE THE

COMMITTEE ON COMMERCE,  
SCIENCE, AND TRANSPORTATION  
UNITED STATES SENATE

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

OCTOBER 11, 2013

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SENATE COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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## CONTENTS

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	Page
Hearing held on October 11, 2013 .....	1
Statement of Senator Rockefeller .....	1
Report dated October 11, 2013 entitled, “Impacts of the 2013 Government Shutdown” by the Majority Staff of Senator Rockefeller .....	28
Statement of Senator Wicker .....	41
Letter dated October 9, 2013 to Hon. Penny Pritzler, Secretary, U.S. Department of Commerce from Lisa Murkowski, U.S. Senator; Don Young, Congressman for All Alaska; and Doc Hastings, Chairman, Committee on Natural Resources .....	45
Statement of Senator Warner .....	47
Statement of Senator Nelson .....	48
Statement of Senator Schatz .....	50
Statement of Senator Begich .....	51
Statement of Senator Heinrich .....	53
Article dated October 2, 2013 from <i>The New Mexican</i> entitled “New Mexico amid shutdown: Economist warns of another recession” by Bruce Krasnow .....	54
Statement of Senator Cantwell .....	57
Statement of Senator Blumenthal .....	59
Statement of Senator Klobuchar .....	60
Statement of Senator Thune .....	63
Statement of Senator Markey .....	66
Letter dated October 10, 2013 to Hon. Edward J. Markey, United States Senate from Susan K. Avery, President and Director, Woods Hole Oceanographic Institution .....	68

### WITNESSES

Hon. Deborah A.P. Hersman, Chairman, National Transportation Safety Board .....	5
Prepared statement .....	6
Hon. Marion C. Blakey, President and Chief Executive Officer, Aerospace Industries Association .....	9
Prepared statement .....	11
Dr. Alan I. Leshner, Chief Executive Officer, American Association for the Advancement of Science and Executive Publisher of <i>Science</i> .....	15
Prepared statement .....	16
Captain Keith Colburn, Alaska Fisherman, Owner and Operator, Fishing Vessel Wizard .....	20
Prepared statement .....	21
Rachel Weintraub, Legislative Director and Senior Counsel, Consumer Fed- eration of America .....	22
Prepared statement .....	24

### APPENDIX

Response to written question submitted to Dr. Alan I. Leshner by:	
Hon. Amy Klobuchar .....	79
Hon. Brian Schatz .....	79



## **THE IMPACTS OF THE GOVERNMENT SHUTDOWN ON OUR ECONOMIC SECURITY**

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**FRIDAY, OCTOBER 11, 2013**

U.S. SENATE,  
COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION,  
*Washington, DC.*

The Committee met, pursuant to notice, at 1:08 p.m. in room SR-253, Russell Senate Office Building, Hon. John D. Rockefeller IV, Chairman of the Committee, presiding.

### **OPENING STATEMENT OF HON. JOHN D. ROCKEFELLER IV, U.S. SENATOR FROM WEST VIRGINIA**

The CHAIRMAN. Good morning, all. This is our situation. The Republicans have just finished meeting with the President at the White House. They're either—I think they're on their way back, but coming back on a bus is sort of not like coming back in a Jaguar. So they will be here.

John Thune may or may not come, and if he doesn't come I bless him, and if he does come I bless him, because this snowfall—this is what happens when you're in Washington and then you read about snowfall in the upper Midwest. One-half of all the cattle in his state were killed, and that's their business. That's their business. They're not North Dakota; they don't have oil. They're South Dakota; they've got cattle and farming. One-half.

If he comes back, that's glorious. If he doesn't, then we should all wish him well in that. Losing cattle is—they're not people, but they cause people to lose their way of living.

You think I should just leave it right there, head into my statement? You promise not to go to sleep this time, Mark?

[Laughter.]

Senator BEGICH. It depends which Mark you're talking about.

[Laughter.]

Senator BEGICH. I'm always overjoyed and enthusiastic about your opening statement.

The CHAIRMAN. Are you? You're probably interested in fisheries, aren't you?

Senator BEGICH. We love fish.

The CHAIRMAN. Do you?

Senator BEGICH. And we love crab.

The CHAIRMAN. Do you?

Senator BEGICH. Yes.

The CHAIRMAN. Would you like the Captain, too?

Senator BEGICH. I love the Captain.

The CHAIRMAN. OK, that's good.

Senator BEGICH. I want to get him back to work.

The CHAIRMAN. All right, here we go.

In 2008–2009 this country went through the worst recession since World War Two. We will probably never all agree about what or who caused any of this, but we know that the comeback from the great recovery has been very slow—from the great recession has been very slow and very, very painful.

It's odd, actually, to look at the charts. There continues to be new jobs pumping into the economy, which is the good part. Then you start thinking about all these people that have been laid off and then all the ripple effect of all of that, so you don't really know where the economy is. But you have the feeling that it's not making much progress, and a lot of people are trying hard on that.

So five years after that crash, unemployment remains at very high levels, stubbornly. And while our country is finally growing a little bit, it isn't really a whole lot of satisfaction. I think we can say that fairly.

Our financial experts and our business leaders are telling us that it's still a fragile recovery, that the economy is still not systemically coming back the way they want. They're saying that if we're not careful with our actions—and nobody's been very careful around here for several months—a misstep could easily slip the economy back into a recession. And if it goes back really into a recession, then that's very, very bad news. Then I think you're talking several years to even begin to have a comeback.

So I'm just going to be frank about this. A small group of people in Congress have been ignoring these warnings. Why is their business. They have in my judgment been recklessly putting our economy at risk of a relapse, which would be a disaster. Last week they wanted the repeal of the Affordable Care Act. This week they don't know what they want, but instead of coming to their senses they're digging in, and that only inflicts further pain on our businesses and families.

That's been one of the problems around here. As they dig in, others dig in on both sides, and you just sort of—even though I would predict that there were some breakthroughs that will be reached, either were reached this morning or will be reached in the next couple of days, the feelings have not declined and therefore the implications for the future are not necessarily good.

Some people seem to think that manufacturing budget crises is good politics, and I'll be frank about that. I think they have been learning over the past 2 weeks that it's not good politics. And I hope that they're also realizing that it's really bad public policy.

If you don't trust my opinion that this shutdown is hurting our economy, let me read from a letter that the U.S. Chamber of Commerce and the Business Roundtable, which usually write two very different kinds of letters, and 250 other business groups sent to the Congress on September 30. They said: "It's not in the best interests of the American employers or employees or the American people to risk a government shutdown that would economically be disruptive and create even more uncertainties for the U.S. economy." Not an enormously interesting statement, but the fact that they both wrote it and sent it and are now sort of putting pressure, more and more pressure, on all parties I think is very important.

The damage and the disruption caused by this government shut-down are very, very real. What I regret in this hearing is that we'll be talking about things which come under our jurisdiction and we won't be discussing things like Head Start and the WIC program and food stamps and everything of that sort. So by not discussing it all we're recognizing is that we only have jurisdiction over certain things, but within those certain things there are the same human tragedies that are happening.

It's hurting our families under so-called our "jurisdiction," our businesses, our government, and our standing in the world. We often talk about the economy in abstract terms, but what we're really talking about is millions of skilled and productive Americans in both the public and the private sectors whose hard work and dedication made our country strong. All of us who serve on the Commerce Committee understand that economic success is based upon a successful private-public partnership. In this case, I think the private sector will do anything to help and it's the public sector which is being cantankerous and not particularly helpful.

Let me give you a few examples. The U.S. aviation manufacturing sector enjoys a worldwide reputation for quality and safety. How do we know their aircraft are safe and reliable? Because they Federal Aviation Administration inspects them. Have you ever seen FAA inspect an airplane? I have. It's terrifying. Nothing is safe. That's why we have a really safe record. And they certify that they meet high safety standards, and if they don't they can't take off.

Our highway, railroad, and pipeline networks, they're among the safest in the world. It's hard to say when you see all the fracking and natural gas drilling and fires that come out of pipelines that nobody knew were there, to say that, but still we're pretty good at that. But because experts from the Department of Transportation and the National Transportation Safety Board constantly monitor them, they monitor them, and then they study how to make them safer. When they're doing that they often have to make new maps because they have uncovered new pipelines which they didn't know were there simply because pipelines have never really been inspected, and that's why you have to have regulation over things which can have a disastrous effect.

So why has the United States led the world for decades in technology and innovation? Because scientists and technical experts at NASA, NSF, DOD, and other Federal agencies have performed the basic research and the engineering that private aerospace and technology companies need for commercial purposes.

How do we keep dangerous imported products off the store shelves and out of the hands of children? Consumer Product Safety Commission officials monitor our ports and stop dangerous products from entering our stream of commerce.

The good captain sitting before us, Keith Colburn, is going to explain to us how NOAA helps the U.S. commercial fishing industry harvest our country's marine resources in a sustainable, responsible way. Perhaps he will also explain to us how his industry relies on something called the Coast Guard, which is part of our work here, to prevent foreign vessels from fishing in our United States waters, which I suspect is now taking place aggressively.

For 2 weeks, House Republicans have blocked these government agencies from doing their important jobs. They have told most of our safety experts, scientists and engineers: Go home.

Before I conclude—and I apologize for the length of this—if you don't have appropriations, some of the world's most talented professionals are prohibited by law from continuing to help our country. One of the people sitting home this week on furlough without salary is a NIST employee named Dr. David Wineland, whom I had never heard of, but the Nobel Prize people have, and they gave him a Nobel Prize in 2012 for his work on atomic physics. Well, he's just sitting at home. He can't go to his lab. The lab closed. The small handful of Members of Congress who engineered the government shutdown don't seem to value Dr. Wineland's work as much as the rest of the scientists in this world do.

I regret that I had to call this hearing today. I don't want it to be partisan, but I had to say what's on my mind, OK. This shutdown is doing enormous harm to our country, and it was totally avoidable. It's like black lung. You know what black lung is, Captain? You don't have a lot of that up there. It's where you mine coal and you breathe dust, and when you do autopsies on miners for the most part they're going to have black lung. They die from it because they can't breathe.

Well, this isn't in our jurisdiction, but the Federal MSHA, the Federal inspectors who inspect these mines, who operators find expensive to keep safe and therefore—and ventilated and sprayed with water—there are no Federal inspectors around, so nobody has to worry. And it scares me in places like West Virginia that do have coal and other States, what's going to happen.

All we needed was a House of Representatives willing to accept reality and the clean CR bill the Senate has sent them.

Now, I'm just, I'm going to end, and I apologize to all of my colleagues. I just want to read this thing. It's very short and it's terrifying: Consumer Product Safety Commission, 518 of 540 total employees furloughed, not there. Department of Commerce, 40,000 of 46,000 total employees not there. Department of Transportation, 18,000 of 55,000 not there. Federal Communications Commission, 1,700 of 1,754 not there. Federal Maritime Commission, 120 of 120 total employees, all of them, not there. Federal Trade Commission, 925 of 1,100 not there. NASA, 17,000 of 18,000 not there.

Senator NELSON. Ninety-seven percent.

The CHAIRMAN. I know. Ninety-seven percent, the distinguished Senator tells me.

The National Science Foundation, which I cherish, 1,970 of 2,000 not there.

So, forward, America? Not yet. That concludes my statement, and who shall I call on? Are we in order of arrival?

Senator NELSON. Let's go to the witnesses.

The CHAIRMAN. Go to the witnesses?

Senator WARNER. Mr. Chairman, you spoke so eloquently.

The CHAIRMAN. This is unprecedented behavior.

[Laughter.]

The CHAIRMAN. All right. Well, let me do that, then. We're going to start with the Honorable Deborah A.P. Hersman—I didn't know the "A.P." was in there, but I do now—Chairman of the National



Transportation Safety Board; and the Honorable Marion Blakey, President and Chief Executive Officer, Aerospace Industries Association, former head of the Federal Aviation Administration; Dr. Alan Leshner, the Chief Executive Officer of the American Association for the Advancement of Science and Executive Publisher of Science Magazine; Captain Keith Colburn, Alaska fisherman, owner and operator, F/V Wizard. Am I right?

Mr. COLBURN. Yes.

The CHAIRMAN. Thank you.

And Rachel Weintraub, the Legislative Director and Senior Counsel, Consumer Federation of America.

Deborah Hersman, may we start with you, please.

**STATEMENT OF HON. DEBORAH A.P. HERSMAN, CHAIRMAN,  
NATIONAL TRANSPORTATION SAFETY BOARD**

Ms. HERSMAN. Yes, sir. Good afternoon, Chairman Rockefeller and members of the Committee. I appear before you today to discuss the effect of the Federal Government shutdown on the mission of the National Transportation Safety Board.

On October 1, 2013, the NTSB delivered furlough notices to 383 of our 405 employees. Our contingency plan for operations following a lapse in appropriations provides that all activities of the NTSB be shut down except for those necessary to prevent imminent threats to the safety of human life or protection of property, consistent with Anti-Deficiency Act requirements and OMB guidance.

Here is what we are not doing in the 10 days that have passed since the shutdown: 14 accidents have occurred in which we have not dispatched investigators, including an 8-fatal bus crash that occurred in Tennessee, a 4-fatal general aviation accident that occurred in Arizona, and a worker fatality that occurred just blocks from here on Washington's Metro system.

In addition to the activities that we are not initiating, the shutdown has resulted in the suspension of work on over 1,000 investigations in all modes of transportation. These delays slow our determination of probable cause and the issuance of safety recommendations, essentially delaying safety to the American public, resulting in lost lives and injuries.

As examples, this week we announced the postponement of two investigative hearings: the first a rail hearing involving two accidents on Metro North Railroad and the second an aviation hearing involving Asiana 214 that crashed on approach to San Francisco Airport. Both of those hearings have been postponed due to the shutdown.

As one of the preeminent safety investigation agencies in the world, we routinely field requests from our domestic and international colleagues to provide technical expertise in their investigations, such as reading flight recorders. In the last 10 days we have declined two international requests for assistance and one request from the State Department for support.

The NTSB has also received dozens of notifications from our counterparts around the globe about accidents involving U.S.-manufactured aircraft. While we are shut down the NTSB is not able to fully represent U.S. interests in aviation around the world.

Here is what the NTSB is doing during the government shutdown. In the last 10 days we have identified five accident investigations that met the legal requirements for excepting employees from furlough. We have also issued two sets of urgent safety recommendations identifying imminent threats to life or property.

In the event of a major transportation accident that meets the legal criteria for bringing employees back from furlough, we will launch a limited investigative team. Our furloughed employees are prepared to resume their roles as transportation safety investigators to collect perishable evidence and issue urgent safety recommendations only. However, you should know that the investigations would be just that, very limited. We would not provide the other important functions that the public has become accustomed to that do not meet that imminent threat to life or property threshold, such as providing support to accident survivors and victims' families after a crash or providing updates to the public on the progress of our investigations.

The NTSB provides a vital service to the traveling public as the independent voice in conducting detailed accident investigations. I urge you to reopen the government so that the NTSB can fully resume our safety mission.

Thank you.

[The prepared statement of Ms. Hersman follows:]

PREPARED STATEMENT OF HON. DEBORAH A.P. HERSMAN, ACTING CHAIRMAN,  
NATIONAL TRANSPORTATION SAFETY BOARD

Good afternoon Chairman Rockefeller, Ranking Member Thune, and Members of the Committee:

I appear before you today to discuss the effect of the lapse of appropriations and the shutdown of the Federal government on the mission of the National Transportation Safety Board (NTSB).

On October 1, 2013, the start of the new fiscal year, the NTSB provided furlough notifications to 383 of our 405 employees. As Presidentially-appointed, Senate confirmed officials; all five Board Members are excepted from the furlough. Guidance issued by the Office of Management and Budget required Federal agencies to develop a contingency plan for the suspension of operations due to the furlough, and that plan was required to be posted on each agency's website. Our plan provides the framework for how the agency would engage in an orderly process of shutting down and contingency plans during suspended operations. Our contingency plan for operations provides that all activities of the NTSB would be shutdown, except those necessary to prevent imminent threats to the safety of human life or the protection of property consistent with the Antideficiency Act requirements and guidance from OMB.

In the ten days that have passed since the lapse of appropriations, there are a number of accidents that have occurred in which we have not sent an investigator or investigative team. A list of those events is included as Attachment 1 at the end of my testimony.

In addition to the activities that we are not initiating, the shutdown has resulted in the suspension of ongoing investigative work across all modes of transportation (summarized in Attachment 2). Further, we have announced this week that due to the shutdown, we have postponed two investigative hearings: a rail hearing on October 22-23 regarding two Metro-North rail accidents that occurred this past May, and an aviation hearing on November 6-7 on the crash of the Asiana 777 at San Francisco International Airport that occurred this past July.

Since the government shutdown, we have identified several accident investigations that met the criteria outlined in our plan. We have also issued two sets of urgent recommendations over the last 10 days identifying imminent threats to life or property. Investigative activities that have been authorized during the shutdown include the following:

- On September 29, a Cessna business jet crashed into a hangar while landing at the airport in Santa Monica. The four persons on board that aircraft were killed. Our investigators responded to the accident scene that evening and continued their work beyond October 1, 2013 to ensure the collection and preservation of perishable evidence. Investigators were able to interview the air traffic controllers at the airport and document the evidence on the airport property, and oversaw the removal of the wreckage and identification of remains. The wreckage has been transported to a secure warehouse and will be examined upon the resumption of normal operations. This investigation is now suspended.
- On September 30, an unoccupied Chicago Transit Authority (CTA) train consisting of four cars collided with a CTA train in revenue service that was stopped at the Harlem Station on the Blue Line. There were about 40 passengers on the in-service CTA train. CTA reported that 33 passengers were transported to three local hospitals. All were treated and released. There were no fatalities. We continued that investigation because we were concerned about the unintended movement of the train cars. We issued urgent recommendations to the Federal Transit Administration and the CTA on October 4, 2013, to take actions to prevent the unintended movement of train cars. After the completion of the on-scene work, the investigative team was placed on furlough status, and the investigation was suspended.
- On October 5, the NTSB was notified that a U.S. registered aircraft operated by Star Marianas Air had disappeared on a flight from Tinian to Saipan in the Northern Mariana Islands. We made a determination to recall one investigator from furlough on a limited basis to collect the safety critical information. However, we have determined that the investigator will not be traveling to the crash scene, and at this time, all further activity has been suspended.
- On October 10, the NTSB issued an urgent recommendation to the California Public Utilities Commission related to a September 5, 2013, event in California. Upon completion of the urgent recommendation, the investigator was placed back on furlough status and further investigative activity has been suspended.
- On October 10, an NTSB investigator examined an engine involved in a medical helicopter crash that occurred on September 19, 2013 in Canton, MS in which the helicopter experienced a loss of power and crashed into a field. There were 4 occupants on board that helicopter and survived with minor injuries. We will determine if any further action needs to be taken during the government shutdown.

During the shutdown, the NTSB has received over 20 notifications from our counterparts around the globe about accidents involving U.S. manufactured aircraft. Pursuant to Annex 13 of the Convention on International Civil Aviation, the NTSB represents the United States in international aviation accident investigations that involve a U.S. air carrier, U.S. manufactured aircraft or component part. Under normal circumstances, we would likely engage one or more of our investigators to collect the relevant information from the state of occurrence. In a major accident investigation, we would send an investigator to the accident scene and serve on scene on behalf of the United States. During the shutdown, the NTSB has not been able to fully represent U.S. interests in aviation accidents around the world.

As one of the preeminent safety investigation agencies in the world, we routinely field requests from our international counterparts to provide technical expertise in their investigations. Requests for assistance may include deploying an investigator or assisting with an evaluation of equipment or downloading and reading the information on a flight data recorder or other non-volatile memory devices. We have declined two foreign requests for assistance and one request from the State Department for support in the last 10 days.

As you know, the NTSB also has a judicial function by hearing appeals of enforcement actions by the Federal Aviation Administration and the Coast Guard. Our administrative law judges and their staff are furloughed and no appeals are being heard, nor are any decisions being rendered on pending cases. Also, the furloughing of NTSB legal staff has prevented us from providing needed assistance to U.S. Attorney Offices in two pending court cases.

In the event of a major transportation accident that meets the criteria outlined in our contingency plan, we are prepared to launch an investigative team. Our furloughed investigators are prepared to resume their roles as transportation safety investigators if recalled. However, other important functions that do not meet the "immediate threat to life or property" threshold, such as briefing the public on the status of the investigation or providing support to accident survivors or victims' families will not resume under a shutdown.

I urge you to take action to permit the NTSB to resume its critical safety mission.

#### ATTACHMENT 1

Notifications of accidents where it was determined that no NTSB investigative team should be launched during a government shutdown

- September 30 (notification received on October 8) Tioga, ND: an unknown amount of crude oil was discovered spilled; an updated report confirms release from Tesoro below ground transmission line of 20,600 barrels of crude oil contained in upper 10 ft. of soil over 7.3 acres. No surface or ground water impact reported.
- October 1, Kent, WA: Tesla Model S fire—lithium ion battery issue, would have complemented previous involvement in the investigation of the Chevrolet Volt fire investigation and would have provided additional information regarding the technology.
- October 1, Lone Jack, MO: Kolb Firestar (ultralight), airplane stalled on takeoff, possible engine issue, 1 fatality.
- October 2, Dandridge, TN: A bus, operated by Front Street Baptist Church in Statesville, NC, was travelling on Interstate 40 eastbound when the left front tire reportedly blew out, the bus crossed through the median area and into the westbound traffic lanes and was impacted by a westbound tractor-trailer and a SUV. Eight total fatalities (6 people on the bus died, the driver of the tractor-trailer died and one of the three occupants in the SUV). There were a minimum of 13 others who were injured, many of them seriously.
- October 4, Paulden, AZ: a privately owned airplane hit a radio tower and crashed while flying over a remote gun club property, 4 fatalities.
- October 5, Colombia (near border with Panama): U.S. Bombardier Dash-8 operated by Airborne Global Services International (Part 135), 6 occupants—4 fatalities, 2 serious injuries; U.S. operated aircraft crashed while flying a drug interdiction mission in Colombia.
- October 6, Washington, D.C.: WMATA rail worker fatality on Red Line between Judiciary Square and Union Station.
- October 6, Cayo Luis, Puerto Rico: Part 135 operation, a newspaper delivery air taxi flight crashed near Culebra Island. One fatality. The aircraft is submerged and recovery effort is underway.
- October 6, Paducah, TX: McDonnell Douglas 369 helicopter, engaged in external load wire stringing operation when it hit wires and crashed, one fatality.
- October 7, Ripley, NY: house explosion; preliminary information from the state regulator that the leak was on the street side of the meter and that it was the result of improper material for the service connection.
- October 8, Rosston, OK: natural gas pipeline eruption, evacuation within a 2 mile radius of the explosion.
- October 9, Williamsport, PA: Greyhound bus collision on I-80; 1 fatality, numerous injuries. This is the second fatal Greyhound bus crash in a month.
- October 9, Gulf of Mexico: Bell Helicopter was taking off from a drilling platform when it descended into the water and rolled on its side. 4 persons on board, 1 fatality, 2 minor injuries, 1 uninjured. The helicopter is in the water and a recovery effort is underway; no known reason for the descent into the water.

#### ATTACHMENT 2

An abbreviated list of the approximately 1,500 accident investigations suspended pending the resumption of normal operations:

##### Aviation

- UPS Airbus 300—Birmingham, Alabama
- JAL Boeing 787 Battery Fire—Boston, Massachusetts. Additional testing contracted to Underwriters Laboratories (UL) is on hold.
- Southwest Airlines Boeing 737 Hard Landing—LaGuardia Airport, New York. Data analysis and brief report on hold.
- TWA Flight 800 Fuel Tank Explosion Petition for Reconsideration—East Moriches, New York.

### Highway

- Midland, TX Parade float collision with UP train: Parade float carrying wounded warriors and their spouses from the Iraq and Afghanistan wars was impacted by a UP train. Four soldiers were killed, many were seriously injured. The consideration of the final report was scheduled for completion prior to the one year anniversary date of the accident—a delivery date that is now in jeopardy.
- Mount Vernon, WA (May 23, 2013): Bridge Collapse over the Skagit River. All investigative activity and project work has halted.
- Rosedale, MD (May 28, 2013): CSX freight train hit a truck in Baltimore County Maryland resulting in the train derailing and an explosion. All investigative activity and project work has halted.

### Marine

- New York, NY (January 9, 2013): Ferry *Seastreak Wallstreet* hit the pier while docking; 80 people were injured, 4 seriously. All investigative activity and associated project work is suspended.
- Tall ship *Bounty* (October 29, 2012): heeled over and sank in rough waters related to hurricane Sandy. There were 2 fatalities, 3 of the 16 crewmembers were seriously injured. The final report on this investigation was being prepared at the time of the furlough.

### Rail

- Bridgeport, CT (May 17, 2013): An eastbound Metro North Railroad passenger train (departing Grand Central Station, NY toward New Haven, CT) derailed and was struck by westbound Metro North passenger train (departing New Haven toward Grand Central Station). As a result of the collision, 73 passengers, 2 engineers, and a conductor were transported to local hospitals with injuries. Metro North estimated there were about 250 passengers on each train at the time of the accident.
- Paulsboro, NJ (On November 30, 2012): A southbound Conrail freight train, consisting of two locomotives and 82 cars, derailed seven cars while traveling over a moveable bridge spanning Mantua Creek. Four tank cars, three containing vinyl chloride and one containing ethanol, came to rest in Mantua Creek. One of the derailed tank cars was breached and released approximately 20,000 gallons of vinyl chloride into the creek and surrounding area. No fatalities resulted from the accident; the train conductor and several residents were treated at local hospitals for exposure to vinyl chloride and released.
- Ellicott City, MD (August 20, 2012): An eastbound CSX Transportation (CSX) coal train, consisting of two locomotives and 80 cars loaded with coal, derailed the lead 21 cars. Loaded coal cars involved in the derailment overturned, spilling their content along the track killing two people that were sitting on a railroad bridge.

### Pipeline

- Sissonville, WV (December 11, 2012) Rupture of a buried 20-inch diameter natural gas transmission pipeline owned and operated by Columbia Gas Transmission Corporation ruptured just over 100 feet west of Interstate 77 in Sissonville, West Virginia. About 20 feet of pipe was separated and ejected from the underground pipeline and landed more than 40 feet from its original location. Three homes were destroyed by the fire after the escaping high-pressure natural gas ignited; no one was seriously injured.

The CHAIRMAN. Thank you very much, Chairman Hersman.

Now the Honorable Marion Blakey, President and Chief Executive Officer, Aerospace Industries Association.

**STATEMENT OF HON. MARION C. BLAKEY,  
PRESIDENT AND CHIEF EXECUTIVE OFFICER,  
AEROSPACE INDUSTRIES ASSOCIATION**

Ms. BLAKEY. Thank you, Chairman Rockefeller, and thank you, members of the Committee, for holding this hearing today. It is a

very important topic and we are very appreciative of your attention on this.

Unfortunately, the shutdown is negatively impacting many civil aerospace programs that advance our Nation's both technological edge and our economic progress. The longer this goes on, the worse it becomes.

While not much attention has been paid so far to the private sector workforce that supports our government agencies, they too are suffering shutdown consequences, especially those smaller companies that are a vital link in the aerospace and defense supply chain. With limited cash flow, they're at risk of shuttering their operations in the event of an extended shutdown. And unlike the Department of Defense, many domestic agencies have furloughed most of their financial and accounting staff, therefore leaving companies that are told they need to perform essential support for government worker without payment.

In the civil space arena, NASA is operating, just as the Chairman said, with a skeleton crew, less than 3 percent of its 18,000 workers. While industry's work on high-visibility space programs generally so far has been unaffected due to very smart prior planning on the part of industry and NASA, these programs are on borrowed time. If the shutdown drags on major problems will develop, and additionally industry's work on many other NASA and commercial programs is already being affected.

With a few exceptions, NASA's unique national facilities are shuttered, unavailable for industry access to work either on government or commercial space programs. Support contractors working at NASA locations simply are unable to do their jobs. To compensate, larger companies are encouraging their workers to take unplanned vacations, try to find other assignments. But smaller firms are facing very difficult decisions, because they have no assurance that they'll be paid for work done during the shutdown. And of course the ripple effects are being felt throughout those communities.

At the FAA's Office of Commercial Space Transportation, reduced staffing is leading to delays in the approval of launch licenses. This is burdening companies that are already risking their own capital to restore America's launch leadership and help NASA become independent of Russia for crew launch.

There's also the potential impact to NASA's weather satellite development work they do for NOAA. The Joint Polar Satellite System, JPSS, is scheduled to launch no earlier than 18 months after the end of design life for the SUOMI satellite that is now up there functioning. The JPSS schedule could worsen if this shutdown extends much longer.

Turning to civil aviation, at the FAA nearly 15,000 employees, about one-third of the workforce, are furloughed. While air traffic controllers are still working, they're doing their job without normal support functions and they're not able to train or qualify new controllers.

A larger impact is being seen at FAA's safety and certification programs. The law requires that FAA certify all aircraft equipment, training simulators, before they can go into service. Although some certification engineers and inspectors are being recalled to

work, more than 90 percent were furloughed when the shutdown began last week. This is delaying the delivery of new products to customers and worsening a backlog that was already affected by the sequester last spring.

Also, FAA's Aircraft Registry Office in Oklahoma City is closed, halting delivery of new aircraft to their rightful owners. And regrettably, the FAA has suspended the development, operational testing, and implementation of NextGen technologies designed, of course, to make our air transportation safer, environmentally better, and efficient.

As difficult as the shutdown is, we should not lose sight of sequestration's long-term harm. Federal agencies have dealt with Fiscal Year 2013 sequester by freezing hiring, deferring needed maintenance, eliminating training, and cutting operational travel. These priorities can't be sustained indefinitely. As agencies are forced to choose between today's operating budget and tomorrow's capital investments, there's no doubt investments will suffer. In working to develop a final Fiscal Year 2014 budget, we urge the sequester's replacement be found with more reasonable budget caps.

So in conclusion, it's important to stress that the shutdown has only lasted 11 days and, while the impacts I've discussed are tangible and harmful to our Nation and our industry, a much lengthier shutdown could lead to cascading, devastating consequences. I believe Congress and the administration must end the shutdown and begin work on a bipartisan grand bargain. Let's ensure our government will not only continue to operate, but that Federal programs which advance our Nation's economy and our system interests receive the funding they need.

Thank you very much.

[The prepared statement of Ms. Blakey follows:]

PREPARED STATEMENT OF HON. MARION C. BLAKEY, PRESIDENT AND CHIEF  
EXECUTIVE OFFICER, AEROSPACE INDUSTRIES ASSOCIATION

Chairman Rockefeller, Ranking Member Thune and members of the Committee, I appreciate the opportunity to provide testimony on this very important subject. From the perspective of the Aerospace Industries Association, our member companies and their thousands of skilled and dedicated workers, I can report that the partial government shutdown is having a very negative impact on many of the civil aerospace programs that help advance our Nation's technological and economic progress. We also expect that the longer this goes on, the worse it will become. And while not much attention has been paid to the private sector workforce that supports our government agencies, they too are suffering the consequences of the shutdown. We are particularly concerned about the small companies that are vital to our Nation's aerospace and defense supply chain. With limited cash flow, they are at risk of shuttering their operations in the event of an extended shutdown. And unlike the Department of Defense, many domestic agencies have furloughed most of their financial and accounting staff, leaving companies often performing essential work without reimbursement.

It is impossible to predict exactly what the economic and other impacts will be of a two week, four week, or longer period of the shutdown. Each program, each contract is different and it will take some time to work through the consequences in terms of both costs and delays. However, I believe that the following facts and concerns that we have regarding the impacts of the shutdown to NASA, NOAA, the Federal Aviation Administration and aerospace product exports will help impress upon this Congress and the Administration the need to end the shutdown.

I also want to emphasize our industry's concern about the ongoing problem of sequestration and lack of budget predictability. In the absence of a bipartisan agreement to address fundamental fiscal issues, the sequestration budget cuts will continue to undermine work on the very Federal programs that make our country

stronger, safer and more economically robust. With these thoughts in mind, I would like to address emerging and expected impacts of the partial shutdown to date to NASA, NOAA, FAA and Department of Commerce export activities, and related industry impacts.

### **Civil Space Impacts**

Under the Federal government shutdown, NASA has been operating with a skeleton crew of less than three percent of its 18,000 workers, hampering many of the agency's ongoing programs as well as programs in development, and impacting industry's ability to do its job efficiently. The industry workforce supporting NASA is also being affected. Program costs are expected to rise as schedules slip. All of NASA's programs may face future funding challenges as a consequence.

While the industry's work on high visibility NASA programs—including the Space Launch System heavy-lift rocket, the Orion Multi-Purpose Crew Vehicle and the James Webb Space Telescope—has been largely unaffected to date, this has not been just due to good fortune; rather, it is due to smart planning by industry and NASA in anticipation of a shutdown and the availability of DOD quality assurance inspectors at facilities with a DOD presence. The situation in other facilities where these inspectors are not present is more problematic as I will explain in more detail.

With regard to NASA facilities, with a few notable exceptions such as the International Space Station support activity at the Johnson Space Center's Mission Control in Houston, and those needed for the upcoming launch of the MAVEN mission to Mars, they are shuttered and unavailable for industry access. For support contractors working at NASA locations, this means they are unable to do their jobs. To compensate, larger companies are forced to encourage workers to take unplanned vacation time off or try to find other work that they can do elsewhere. Smaller firms often do not have this flexibility; in many cases September 30 marked the end of a contract period of performance. With no funding and no contract in place, small firms are keeping their workforce together at their own risk with no assurance the workers will be paid for the work done during the shutdown. For companies of all sizes, if the shutdown persists, these workers will face furloughs and, unlike furloughed Federal employees, there is no guarantee that will be reimbursed for lost wages. There is a real potential for a negative ripple effect throughout local economies in these regions. Other work that contractors are doing at NASA facilities—including preparations for the first Orion space capsule test launch in 2014 are shut down since contractors are not allowed access to the NASA facility where the work must be performed.

NASA's commercial crew program is another area of concern to industry. The need for the program—which will finally enable NASA to stop paying Russia over \$70 million a seat for astronaut transportation to and from the International Space Station—is clear. Currently, NASA has no plans to purchase rides on the Soyuz launch vehicle beginning in 2017 and U.S. companies are expecting the market for commercial crew to open up in this timeframe. Any schedule slippage risks this plan and could jeopardize the companies' financial ability to deliver. Now, NASA's formal Request for Proposals for Commercial Crew may be delayed due to the shutdown, driving up the cost for companies to bid on the opportunity since their proposal teams need to be maintained. Additionally, for some firms, testing activities have been put on hold due to a lack of NASA support, further raising the costs to industry for this program.

Industry and NASA have long used Space Act Agreements—or SAAs—to innovatively develop new technologies and capabilities in a true public private partnership. These SAAs have been very beneficial; most recently, in facilitating the cost effective development of commercial cargo support vehicles for the International Space Station and to enable commercial crew vehicle development. Unfortunately, as a result of the shutdown, NASA is not able to support these partnerships and provide industry access to unique national test facilities needed for space system developments. In other cases, NASA is not able to perform the technical support they committed to provide industry under SAAs. As a consequence, industry may see its schedules slip and project costs grow.

Another area of concern is the impact of the shutdown to the Federal Aviation Administration's Office of Commercial Space Transportation. This office's technical staff reviews and approves licenses for the commercial launch companies who are developing promising new space systems for our country. As a result of the shutdown, only the office's highest priority activities are being supported. This may lead to a delay in launch license approvals imposing an additional financial hardship on companies already risking their capital to restore American launch leadership.

Additionally, a less recognized NASA function important to industry that is being delayed by the shutdown is the development of a government-wide information tech-



nology cybersecurity framework managed by NASA and the National Institute of Standards and Technology (NIST). We've heard reports that NIST has halted work on the draft cybersecurity framework that was scheduled for release on Oct. 10.

We're also concerned about the potential impacts of the shutdown to NASA's weather satellite development work for NOAA. The Joint Polar Satellite System (JPSS), which is critical to our ability to provide precise warnings of tornadoes and severe storms such as Superstorm Sandy, was already on a development schedule that will have it launch no earlier than 18 months after the end of the design life of the SUOMI satellite it is replacing. Any delays to JPSS development are worrisome. Although the contractors we have heard from in this area are not in immediate duress, the shutdown could begin having impacts to the satellite's development if it goes on much beyond the end of October.

Lastly, I want to take this opportunity to request that Congress extend the Commercial Space Launch Act (CSLA) Risk Sharing Provision which is due to expire at the end of the year—only ten weeks from now. The CSLA regime enables U.S. launch providers to better compete with foreign competitors without “betting the company” on every single launch. U.S. companies have made new investments for innovation in the space launch industry which may restore our competitiveness in a market our Nation used to dominate. If the U.S. risk sharing regime is not renewed, however, our industry will be further at risk, with no corresponding public benefit. Beyond harming U.S. commercial launch competitiveness globally, U.S. Government users would likely have increased launch costs for essential government payloads.

#### **Impacts on Civil Aviation and the FAA**

The lapse in funding has caused FAA to furlough nearly 15,000 employees, approximately one-third of its workforce. Air traffic controllers are still working, which means the immediate impact on air travel has been relatively small. We should remember, however, that these controllers are doing their jobs without their normal support staff. In addition, they are not able to train or qualify new controllers, including access to controller training services under existing FAA contracts.

Undoubtedly, a larger impact is being seen in the FAA's safety and certification programs, and we expect these impacts to worsen as the shutdown continues.

Aircraft manufacturers depend on government inspectors being in place to review and certify new equipment on a timely basis. The law requires FAA to certify all aircraft, equipment and training simulators before they can be put into service. Although the agency has recently begun calling back more of its certification staff, in the first week of the shutdown more than 90 percent of the Aircraft Certification Service was furloughed. On average, the FAA issues 3,100 design approvals and 1,025 type certificates annually. These involve the approval of new products, safety features, and designs that are essential for our manufacturers to compete and for our industry to grow. Fortunately, delegation has helped soften the impact of the shutdown for some of our manufacturers and operators. However, not all functions can be delegated. This is not only causing delays in getting new products delivered to customers, it is exacerbating a backlog caused by this spring's deep sequester cuts. And even with the recent callbacks, many of these routine certification activities have ground to a halt.

Let me highlight one small, but very important, office, the Aircraft Registry Office in Oklahoma City. Although small, this office is a linchpin that connects manufacturers to aircraft owners. All aircraft must be registered with the FAA before its new owner can get clear title. If a title search is conducted and there is no FAA registry data, the sale cannot be closed. And while this office is vital to our industry's health, it was closed because it is not deemed essential for the “protection of life or property.” This means that aircraft coming out of manufacturing facilities cannot be delivered to their rightful owner. Several aircraft have already been delayed, and the number will worsen as the impasse continues. Furthermore, as the backlog builds up, it will take that much more time to work it off.

Globally, the FAA is recognized as the gold standard for aviation safety. The FAA has gained this recognition through leadership in international activities, collaboration with our international partners, and the initiation of important global safety initiatives. The shutdown and budget cuts are inhibiting the FAA's ability to take the lead on ongoing international efforts to streamline aircraft certification requirements and harmonize the application of aviation rules. The FAA's inability to influence global aviation regulations and policy will have a lasting impact on our industry.

The FAA has also suspended the development, operational testing and implementation of NextGen technologies. Congress has recently encouraged the FAA to put a higher priority on near-term benefits and NextGen implementation. However, just

as the FAA is making that change, with its brand-new NextGen leadership team, the wheels grind to a halt. We simply cannot make the progress Congress envisioned in the FAA Modernization and Reform Act unless the FAA is provided stable and reliable funding.

We should also keep in mind that the FAA is a bit different in that most of its budget is financed by user fees from system users. Even though the government is shut down, today's air travelers are still paying their aviation taxes every time they fly. General aviation pilots are paying their fuel taxes every time they fill up. They have a right to see those funds invested in capital improvements and safety oversight that benefits system users. At the present time, the government is taking their money and giving them little in return.

#### **Impacts on Trade and U.S. Exports**

Foreign trade is a critical part of the U.S. economy, and the aerospace sector contributes more to our balance of trade than any other industrial sector in this country with \$99 billion in net exports in 2012. Again, the partial shutdown jeopardizes elements of that success. The Department of Commerce is no longer accepting export license applications, except for emergencies related to national security. Of course, this backlog will grow with the length of the shutdown, and has negative implications not only for our balance of trade, but in the international perception of the United States as a reliable supplier.

#### **Overall Impacts of Sequestration**

As difficult as the shutdown is, we should not lose sight of the sequestration's long term harm to important government functions. NASA, NOAA, FAA and other agencies have dealt with the FY13 sequester by instituting hiring freezes, deferring facility maintenance, eliminating training for frontline personnel, and cutting operational travel. These practices cannot be sustained indefinitely. AIA is concerned that, as agencies are forced to choose between today's operating budget and tomorrow's capital investments, they will increasingly eliminate the investments. We do not believe NextGen's six percent share of FAA's budget is too much, or that the Nation must back away from a robust space program. When the next monster storm develops, are we prepared to tell taxpayers we could not afford the best weather models technology can provide? And do we want to delay improvements to our Nation's air transportation system that will reduce flight delays and improve the environment? As negotiations develop on a final FY14 budget, we urge you to replace the sequester with more reasonable budget caps that allow these agencies to sustain their current operations *and* provide for the future.

#### **Conclusion**

In conclusion, I think it is important to stress that the partial government shutdown has only lasted eleven days. While the impacts I've discussed are tangible and harmful to our industry, I'm very concerned about the cascading negative consequences of a much lengthier shutdown. To expand on a point I made earlier, unfortunately small businesses such as our supply chain companies are particularly vulnerable during times of economic uncertainty and distress. And if these companies are forced to lay off workers in great numbers or halt operations, this could have a significant detrimental impact on many of the major national programs discussed above. For this and the other reasons I've detailed in my testimony, it is incumbent upon Congress and the Administration to end the shutdown and begin work on a bipartisan "grand bargain" that will ensure our government will not only continue to operate, but that important Federal programs which advance our Nation's economic progress and interests receive the funding they need.

The CHAIRMAN. Thank you very much, Marion Blakey.

Dr. Alan Leshner, Chief Executive Officer, American Association for the Advancement of Science, and Executive Publisher of *Science*. That means that when the issue comes out you've read it all.

Dr. LESHNER. Every word.

The CHAIRMAN. That's good.

Dr. LESHNER. Yes.

The CHAIRMAN. You're an important person at our hearing.

**STATEMENT OF DR. ALAN I. LESHNER,  
CHIEF EXECUTIVE OFFICER, AMERICAN ASSOCIATION  
FOR THE ADVANCEMENT OF SCIENCE  
AND EXECUTIVE PUBLISHER OF *SCIENCE***

Dr. LESHNER. Thank you. Mr. Chairman, members of the Committee: I'm pleased to have this opportunity to testify before you about the impacts of the government shutdown on the scientific enterprise. I can say that this shutdown has come as a very serious blow to an already beleaguered American scientific enterprise. The shutdown's affecting both government scientists and many of those supported by Federal agencies, and it'll interrupt many long-term studies that depend on continuity over time for their success. Many kinds of data on which the Nation depends will be lost or foregone.

Our community has already been hit very hard by the sequester, which came as an overlay on Federal science budgets that have already declined dramatically just in the past 3 years. These realities are coming at the same time that other countries, many our competitor countries, are dramatically increasing their research and development investments in spite of similar economic conditions.

The cumulative effect of these trends, now exacerbated by the shutdown, are threatening America's very standing in the global scientific community. Losing our eminence in science would be a drastic consequence. It likely would result in fewer foreign scientists coming to study and work in the United States, fewer U.S.-based science and technology breakthroughs, and fewer U.S. start-up companies and jobs.

About the shutdown, unfortunately the vast majority of Federal science staff and programs fall into the so-called "nonessential" category and are directly affected by the shutdown. I'd like to give you just a few examples. There are more in my written testimony.

At the National Institutes of Health, NIH employees that are allowed to continue do provide care for patients in the clinical center, but new patients are generally not being accepted, and normally some 200 patients are entered into trials every day. Moreover, at least six new clinical studies have been deferred.

At the National Science Foundation, this week NSF announced that it'll be forced to cancel the U.S. Antarctic program's entire upcoming field season if the shutdown continues past October 14. This could jeopardize the entire research season for hundreds of important projects in astronomy, particle physics, weather, biology, and many of these projects have been many years in development. Three of four U.S. radio telescopes, which are largely funded by NSF, are off the air, impacting several thousands of researchers who can't collect important data.

At NASA, scientists have been tracing the shape of the Milky Way using the Very Long Baseline Array, which is now shut down. They're missing an observation and that means that a year's worth of data could go to waste and they will have to start over.

Much of NOAA's scientific portfolio constitutes what you might think of as environmental intelligence, requiring continuous monitoring and interpretation of an array of scientific parameters. Much of that monitoring will be suspended. For example, effective water management, such as in the Great Lakes, is dependent on understanding water quality issues. That monitoring will be suspended

as the relevant NOAA scientists have been furloughed. The same is true for drought managers.

In the Department of Energy, most of the national labs, which are managed under contract, would be shielded for a time, but their resources will be short-lived. For example, Sandia Laboratory in New Mexico plans to shut down on October 21. In Oak Ridge, Tennessee, the Y-12 National Security Complex, a critical component in the Nation's nuclear defense enterprise, has already started partial shutdown.

What we call extramural researchers, those in our great research universities, are somewhat shielded from the immediate impacts of a shutdown, but the effects will soon reach their labs as grant renewals are disrupted and new grants are delayed in starting.

We know that many—that Congress faces many fiscal challenges in the weeks ahead. Let me say the AAAS and the millions of scientists and engineers in academia, small businesses, and large industries that we represent call on you to ensure sustained and robust support for scientific research as you deal with these challenges.

I have to say that continuing to decrease the Nation's investment in research will only exacerbate our fiscal problems, slowing down the engine of discovery that drives innovation and economic growth. We urge you to help provide a powerful legacy of scientific discovery and innovation for future generations.

[The prepared statement of Dr. Leshner follows:]

PREPARED STATEMENT OF DR. ALAN I. LESHNER, CHIEF EXECUTIVE OFFICER,  
AMERICAN ASSOCIATION FOR THE ADVANCEMENT OF SCIENCE AND EXECUTIVE  
PUBLISHER OF *SCIENCE*

### Introduction

Chairman Rockefeller, Ranking Member Thune, and members of the Committee, my name is Alan Leshner and I am the Chief Executive Officer of the American Association for the Advancement of Science (AAAS) and Executive Publisher of the prestigious, peer-reviewed journal *Science*. Thank you for inviting me to testify before you today on the subject of the effects of the current government shutdown on the conduct of scientific research.

Let me start with my overall conclusion and then provide the context and the evidence underlying it.

This government shutdown is coming as a serious blow to an already beleaguered American scientific enterprise. The shutdown is more than simply a temporary work stoppage for science. The shutdown, affecting both government scientists and many of those supported by Federal agencies, will interrupt many longitudinal studies and observations that depend on continuity over time for their success. Moreover, many kinds of data on which the Nation depends will be lost.

Our community has already been hit very hard by the "sequester," which comes as an overlay on Federal science budgets that already, pre-sequester, have been in decline. These realities are coming at the same time as other countries are dramatically increasing their research and development (R&D) investments, in spite of similar economic conditions, responding to the clear relationship between a nation's research capacity, its economic strength, and the well-being of its people. The cumulative effects of these trends, now exacerbated by the shutdown, are threatening America's standing in the global scientific community. Losing our eminence in science would likely result in fewer foreign scientists coming to study and work in the United States, fewer U.S.-based science and technology breakthroughs and fewer U.S. startup companies and jobs.

As background, since 1976, AAAS has analyzed and reported on the Federal research and development (R&D) budget, as well as historical trends regarding funding by discipline, performer, and source. Scientific research thrives best when it can rely on steady and sustained growth across all disciplines. It is critical that Members of Congress understand the status of current funding trends and the effects of

sequestration on Federal R&D, before I discuss the effects of the shutdown on the U.S. research enterprise.

According to our current estimates, between FY 2010 and FY 2013 post-sequestration, Federal R&D expenditures declined by 16.3 percent; the fastest decline over any three-year period since the end of the Space Race. At the same time, Federal R&D as a share of gross domestic product has declined from 1.27 percent of GDP to roughly 0.82 percent today; it has also declined as a share of the Federal budget overall. Even under the best possible scenario, the direction that this year's appropriations have taken won't make a dent in these trends.

One twist is that, as currently written, the Budget Control Act (BCA) requires an overall discretionary spending level of \$967 billion in FY 2014, about 2 percent lower than in FY 2013, per Congressional Budget Office estimates. Even though the bulk of this decline is scheduled to take place on the defense side, agencies will likely constrain their spending anyway, even if a continuing resolution (CR) is agreed to that extends FY 2013 spending for a few months, due to uncertainty. The additional impact on research projects, grants, construction, and other such central activities remains to be seen.

It is this very uncertainty that is a growing threat to the Federal research enterprise. The current government shutdown has placed a hard brake on an already shrinking effort.

As many of us who work and reside in the D.C. area know, the impact of the shutdown has had an immediate impact on a number of Federal R&D agencies and its programs and employees. Some exceptions do exist; for example, employees and programs may be exempt in order to ensure the safety of human life or the protection of property. This would include selected NASA activities in support of the International Space Station, satellite missions, and probes currently in the operation phase.

Unfortunately for the Federal science enterprise, the vast majority of staff and programs fall into the "non-essential" category, meaning that they are directly affected by the expiration of budget authority. Most Federal R&D agencies had to furlough a significant portion of their workforce. For example:

*National Institutes of Health:*

- NIH employees that remain are continuing to provide in-patient and out-patient care for patients in its Clinical Center although new patients are generally not being accepted. About 200 patients typically register for clinical trials each week, and about 30 of those new patients are children. At least six new studies have been deferred.
- NIH furloughed 73 percent of its workforce, over 13,500, including intramural researchers who had to walk away from their labs. Some were forbidden to attend or speak at international conferences on subjects such as AIDS research.
- A Boston-area patient was initially denied a critical treatment because he could not access the *ClinicalTrials.gov* website, which was shut down. A Member of Congress had to intervene in order to give the database an exemption. NIH, however, will not be able to sustain other important online resources such as PubMed Central.
- Some NIH staff are working to maintain and protect their animal stock, research infrastructure, and data.
- There will be delays in approval of new grant awards, though researchers who have previously been awarded funding and have active grants may generally continue their work.
- For other parts of HHS, the FDA monitoring programs and CDC outbreak programs, including its seasonal influenza work, will shortly cease.

*National Science Foundation:*

- The majority of NSF funded research is extramural and conducted by scientists and engineers at universities and laboratories across the Nation. That said, almost all of NSF's employees (99 percent) have been furloughed and are unable to provide any support to extramural researchers.
- This week the NSF announced it will be forced to cancel the U.S. Antarctic program's upcoming field season if the shutdown continues past October 14. This is a very complex logistical enterprise that could jeopardize the entire research season for hundreds of important projects. Researchers conduct a host of experiments in this unique and unspoiled continent in fields such as astronomy, particle physics, climate change, and biology, and the success of many of these is dependent on continuous or recurrent measurements season after season.

- Construction of a solar telescope, gravity wave observatory, and ecological and ocean-observing networks will be suspended if the shutdown lasts beyond Oct 31.
- Three of four U.S. radio telescopes, which are largely funded by NSF, are off the air impacting several thousand intramural and extramural researchers who are now unable to access the data that those telescopes provided.
- The grant process has been disrupted; no funding opportunities are available. The FastLane database is closed so no information is available for new grants. However, as at NIH, university-based researchers who have already received their award may generally continue their work.

*NASA:*

- More than a year's worth of data that cost approximately \$500,000 to collect could go to waste due to the closure of radio telescopes. For example, scientists have been tracing the shape of the Milky Way using the Very Long Baseline Array, which is now shut down, and missing an observation means they will have to start over.
- The Stratospheric Observatory for Infrared Astronomy, a plane-based telescope based at Dryden Research Center, has been grounded.
- While many ongoing missions will continue, development of future missions, including the James Webb Space Telescope, will have to slow or stop. Further, if technical problems arise in ongoing missions, their resolution may be prevented or delayed.
- While many big-ticket items like the Hubble Space Telescope, and some research centers like the Jet Propulsion Lab, are contractor-based and thus can continue operating for now, they will be on a timeline, and the longer the shutdown continues, the more at risk they will be.

*NOAA:*

- Much of NOAA's scientific portfolio constitutes what might be called "environmental intelligence," involving continuous monitoring and interpretation of the state of the full array of environmental factors. Much of that monitoring will have been suspended, with consequences both in the long- and short-terms.
- Effective water management, such as in the Great Lakes, is dependent on understanding water quality issues, such as the presence and magnitude of algae blooms. That monitoring will be suspended as the relevant NOAA scientists have been furloughed. The same is true for drought managers.
- Nautical charts will not be updated.
- The winter king crab season for Bering Sea fishermen will be suspended because the scientists and other government workers needed to process information and develop the regulations for the season have been furloughed.

*USGS:*

- Research at USGS has stopped; for example, no one is reading seismographs.

*Department of Energy:*

- There are exceedingly few direct DOE employees in most R&D offices that would be exempt from the funding disruption. A handful of DOE staff would remain at the Office of Science, and at the offices for efficiency, renewables, nuclear power, and fossil energy; ARPA-E has been effectively closed.
- Most of the National Labs, which are managed under contract, would be shielded for a time given other resources and budget authority balances they can draw upon. However, as at NASA, contractor activities will be on a timeline. For instance, Sandia Laboratory in New Mexico plans to shut down October 21, and not long thereafter the Argonne National Laboratory in Illinois may have to begin powering down the Advanced Photon Source X-ray synchrotron.
- A few hundred direct DOE staff within the National Nuclear Security Administration are exempt in order to protect U.S. national security interests.
- In Oak Ridge, Tennessee, the Y-12 National Security Complex, a critical component in the Nation's nuclear defense enterprise, has started partial shutdown. Oak Ridge National Laboratory, however, will likely continue operation into November.

USDA:

- Just about all of the staff at the National Institute of Food and Agriculture and the Economic Research Service are furloughed, although the Agricultural Research Service would retain several hundred staff to safeguard research animal populations, IT infrastructure, and other assets.

Extramural researchers, such as those in our great research universities across the nation, are somewhat shielded by the immediate impacts of the government shutdown. But like a pebble tossed into a lake, the effects of the Federal government shutdown likely will soon reach their labs as grant renewals are disrupted and new grants are, at best, delayed in starting.

Those academic scientists currently operating under multi-year grant funding from FY 2012 or FY 2013 may continue their work. However, if they require participation, intervention or oversight from a civil servant, or are awaiting the disbursement of additional funding, their work may be disrupted and potentially halted if the shutdown lingers. Furthermore, if their research relied on access to a Federal database or equipment—including some of the examples I have given above—then their research will be severely hampered. We learned recently that geneticists were unable to receive a shipment of fruit flies because the European supplier had suspended shipments to the United States because the closure of the USDA means the flies cannot clear customs.

Academic scientists whose current funding is slowly drying up are not able to submit new grant proposals to continue their research. Agencies such as NIH and NSF have suspended the reviews of the current cycle of grant proposals until the shutdown impasse has been resolved. This could be particularly troublesome for researchers who intend to conduct field research and have only a limited window in which to do it. More importantly, this negatively affects the ability of scientists to hire graduate student researchers and post-doc students. What message does this leave our next-generation of scientists and engineers?

Economists know that more than half of all economic growth in the industrialized world since World War II has been driven by innovation and technological progress. Public research funding has helped plant the seeds that have spawned the Global Positioning System, the laser, Google, and countless other beneficial technologies in addition to medical advances that have helped save the lives of millions of heart disease, cancer, and diabetes patients among others.

Ironically, the shutdown is now affecting Federal data sets on population, income and demographics that allow statisticians, economists, and other social scientists to analyze a range of data and to develop a better understanding of the state of the U.S. economy. For example, the Bureau of Economic Analysis within the Commerce Department hosts a vital, interactive site that provides official data on gross domestic product, income and other economic statistics.

## Conclusion

Congress faces many fiscal challenges in the weeks ahead, from the government shutdown to the debt limit and from the final FY 2014 appropriations to sequestration. AAAS and the millions of scientists and engineers in academia, small businesses, and large industries that we represent call on you to ensure sustained and robust support for scientific research.

The best conclusion I can give is a personal quote from a Federal scientist who must remain anonymous because they are not allowed to speak publicly during the shutdown. This quote was posted in an article in *Wired* magazine:

“Scientific research is not like turning on and off an assembly line. Experiments are frequently long-term and complicated. They involve specific treatments and specific times. You can’t just stop and restart it. You’ve probably just destroyed the experiment.”

“You also can’t necessarily recover. You can’t begin an experiment all over again. If you do, you’ll be set back months—even if there’s time and personnel to do it. But often, science moves rapidly, times change, and you can’t re-initiate the experiments. It’s an enormous loss to scientific research, an enormous loss of time and personnel.”

“Scientists are hardworking people. They work long hours, on weekends, and they do that because it’s necessary. The schedules they follow aren’t like an industrial plant’s. If you interrupt them, they can’t pick up and start again. It’s an enormous waste of money and resources to interrupt this and have it abandoned.”

Undermining the Nation's support for research will not resolve our fiscal problem; instead it will exacerbate it, slowing down the engine of discovery that drives innovation and economic growth. We urge you to come together and resolve your differences over the budget agreement in order to provide a powerful legacy of scientific discovery and innovation for future generations.

The CHAIRMAN. Thank you very much, sir.

Now it's Captain, Captain Keith Colburn, Alaska fisherman and owner and operator of the F/V Wizard. You have much to tell us, sir.

**STATEMENT OF CAPTAIN KEITH COLBURN,  
ALASKA FISHERMAN, OWNER AND OPERATOR,  
FISHING VESSEL WIZARD**

Mr. COLBURN. Thank you, Chairman Rockefeller, Ranking Member Thune, members of the Committee. I appreciate your invitation to appear here today. Mr. Chairman, thank you for carrying on the legacy of the late Senator Inouye for advancing legislation to combat pirate fishing.

I'd also like to thank Senators Begich, Murkowski, Murray, and Cantwell from the Alaska and Washington Congressional delegations for their strong support for Alaska fishermen.

My name is Keith Colburn and I'm an Alaska crabber. Some of you may also recognize me as the captain of the Fishing Vessel Wizard on the Discovery Channel series "The Deadliest Catch." While I'm honored to be before the Committee today, I'd rather be 4,000 miles away from here, awaiting the opening of my Bristol Bay red king crab fishery. This is the first time in 28 years that I have not been in the Bering Sea in the month of October.

I'm here today on behalf of fishermen. While I'm here to talk specifically about the impacts to my fishery, I want the Committee to understand that this shutdown is causing impacts to fisheries nationwide. In the Alaska cod and pollack fisheries, lack of personnel to perform routine administrative functions such as managing quota allocations will result in the loss of millions in revenue to that sector of the industry.

The Federal observer program will also be impacted the longer this shutdown continues. Across the country, vessels that are required to carry Federal observers will be forced to stay tied to the docks.

Many fishermen in coastal communities are already facing tough times. This unnecessary shutdown may be the tipping point if the situation isn't resolved soon.

The Alaska king crab fishery is the model of sustainable fishery management practices. It is managed under a strict quota system where each fisherman is allocated a percentage of the total catch. The Alaska king crab stock is healthy and, with a scientifically based, conservative management approach, overfishing does not occur.

The fishery results in hundreds of millions in economic activity and provides thousands of jobs for fishermen, processors, and support businesses such as welders, mechanics, shippers, distributors, retailers.

I want to be very clear: Bering Sea crab fishermen fund the management costs of the crab fishery through the cost recovery pro-



gram. We are taxed on our landings to cover management costs. NOAA has money in the bank left over from previous years that could be used to pay for the personnel we need to issue our permits. Despite this fact, NOAA has furloughed the employees that are necessary to start the fishery on the October 15 season opener.

We ask the Secretary of Commerce to find the authority and direct NOAA employees to do the tasks that we've already paid for and issue our crab quotas. The delay in opening of the fishery will have significant impacts on our fishermen and Alaskan coastal communities. Collectively, the fleet has already invested millions of dollars out of pocket just gearing up for the season. Each day tied to the docks will cost these boats thousands more.

While these short-term impacts are relatively easy to measure, the longer term market impacts are the scary part. For a majority of our crab, we rely on the holiday market, both in the U.S. and Japan. If the crab isn't caught, processed, and shipped out of Alaska by the second week of November, we stand to lose access to that market. We can't afford to lose any more days to the government shutdown if we want to meet that deadline.

Losing the holiday market will decrease the revenue we earn at the dock by 20 to 25 percent. In the case of the Japanese market, we also stand to lose market share. If the Japanese buyers don't have Alaskan product on hand for the New Year's holiday, they will source their crab from Russia. Market watchers are already noticing uncertainty in the Japanese trade press over the Alaska supply. The Russian king crab fishery is unsustainably managed and subject to a significant amount of pirate fishing. This pirate fishing has already cost the Alaska crab fleet an estimated \$500 million since 2000. If this shutdown continues, that amount will only increase.

Time is critical. The Wizard is one of many small family run businesses that make up the Alaska crab fleet. My wife manages the shoreside end of business. My brother is on the boat with me. My crew depends on me to feed their families. We've been racking up bills to get ready to go fishing. If we're tied to the docks waiting—if we're tied to the docks waiting for the government, we can't pay those bills.

On behalf of all fishermen, I'm asking Congress to end the shutdown now. I'm a small businessman in a big ocean with big bills. I need to go fishing.

Thank you. I'll be happy to answer any questions.

[The prepared statement of Mr. Colburn follows:]

PREPARED STATEMENT OF CAPTAIN KEITH COLBURN, ALASKA FISHERMAN, OWNER  
AND OPERATOR, FISHING VESSEL WIZARD

Chairman Rockefeller and Ranking Member Thune, members of the Committee, thank you for your invitation to appear today. And Mr. Chairman, thank you very much for carrying on the legacy of the late Senator Inouye and advancing legislation to combat pirate fishing.

I would also like to thank Senators Begich, Murkowski, Cantwell, and Murray from the Alaska and Washington Congressional Delegations for their strong support of Alaskan crab fishermen.

My name is Keith Colburn and I am an Alaskan crabber. Some of you may also recognize me as the Captain of the fishing vessel Wizard on the Discovery Channel series, the Deadliest Catch. While I am honored to be before the Committee today, I would rather be 4,000 miles away from here awaiting the opening of the Bristol

Bay red king crab fishery. This is the first time in my 28 years of fishing that I haven't been in the Bering Sea in October getting ready to go fish.

I am here today on behalf of fishermen. While I'm here to talk specifically about the impacts to my fishery, I want the Committee to understand that this shutdown is causing impacts to fisheries nationwide. In the Alaskan cod and Pollock fisheries, lack of personnel to perform routine administrative functions such as managing quota allocations will result in the loss of millions in revenue to that sector of the industry. The Federal observer program will also be impacted the longer this shutdown continues. Across the country vessels that are required to carry Federal observers will be forced to stay tied to the docks. Many fishermen and coastal communities are already facing tough times. This unnecessary shutdown may be the tipping point if the situation isn't resolved soon.

The Alaskan king crab fishery is the model of sustainable fishery management practices. It is managed under a strict quota system where each fisherman is allocated a percentage of the total catch. The Alaska king crab stock is healthy and with a scientifically based conservative management approach, overfishing does not occur. The fishery results in hundreds of millions in economic activity and provides thousands of jobs for fishermen, processors and support businesses such as welders, mechanics, shippers, distributors and retailers.

I want to be very clear. Bering Sea crab fishermen fund the management costs of the crab fishery through the cost recovery program. We are taxed on our landings to cover management costs. NOAA has money in the bank left over from previous years that could be used to pay the personnel we need to issue our permits. Despite this fact, NOAA has furloughed the employees that are necessary to start the fishery on the October 15 season opener. We ask the Secretary of Commerce to direct NOAA employees to do the task that we've already paid for and issue our quota.

The delay in opening of the fishery will have significant impacts on our fishermen and Alaskan coastal communities. Collectively the fleet already has millions of dollars out of pocket just gearing up for the season. Each day tied to the docks will cost these boats thousands more. While these short-term impacts are relatively easy to measure, the longer-term market impacts are the scary part.

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The Russian king crab fishery is unsustainably managed and subject to a significant amount of pirate fishing. This pirate fishing has already cost the Alaskan crab fleet an estimated \$500 million since 2000. If this shutdown continues that amount will only increase.

Time is critical. The Wizard is one of many small, family run businesses that make up the Alaskan crab fleet. My wife manages the shore-side end of the business. My brother is on the boat with me. My crew depends on me to feed their families. We have been racking up bills getting ready to go fishing. If we're tied to the docks waiting for the government we can't pay those bills. I'm a small businessman in a big ocean with big bills. I need to go fishing.

Thank you and I'll be happy to answer any questions.

The CHAIRMAN. Thank you, Captain.

Now, Rachel Weintraub.

**STATEMENT OF RACHEL WEINTRAUB,  
LEGISLATIVE DIRECTOR AND SENIOR COUNSEL,  
CONSUMER FEDERATION OF AMERICA**

Ms. WEINTRAUB. Good afternoon, Chairman Rockefeller and members of the Committee. I'm Rachel Weintraub, Legislative Director and Senior Counsel at Consumer Federation of America. I offer this testimony on behalf of CFA as well as Consumers Union, Consumer Action, the National Consumers League, the National Consumer Law Center on behalf of their low-income clients, Public

Citizen, the National Association of Consumer Advocates, and U.S. PIRG.

We all expect that the air, food, and products we use every day are going to be safe. We don't expect to be ripped-off by a bank or a telemarketer. We expect that we can find information on government websites and that government agencies will investigate concerns and enforce existing law. Part of our security as consumers can be directly linked to the work conducted by the employees of many different government agencies.

During the government shutdown, however, many of the consumer protections we depend upon have been significantly curtailed. Things could get worse if the shutdown continues much longer.

In this testimony I am including what I hope to be the most current information available, but the situation is fluid and changes rapidly. I will highlight the impact of the shutdown on a few key agencies.

First, the Federal Aviation Administration has furloughed 15,514 of its 46,070 employees. Many of the staffers that support the air traffic controllers have been furloughed and virtually the entire safety inspection force has been sent home. This is virtually unprecedented. Even during the 1996 shutdown, most safety inspectors remained on the job. Earlier this week, the FAA announced plans to bring back 80,000 inspectors, oversight staff and others, but that still is only about 15 percent of the FAA's furloughed safety personnel.

At NHTSA, which is responsible for the safety of millions of people on our roads and highways, 333 workers out of a total of 597 have been furloughed. NHTSA is not able to alert consumers about safety recalls, work on rulemakings, and conduct defect investigations, research, and testing. Any auto safety defect that emerges during the shutdown will not be investigated properly, leaving consumers and our highways at risk.

The impact of the shutdown on the Consumer Product Safety Commission is significant. Four percent of the CPSC's total workforce remains on the job. That's 23 employees out of 540 full-time employees. None of the employees currently working are field investigators or port inspectors, leaving our ports vulnerable, especially problematic during this pre-holiday season.

The CPSC, like other agencies, is conducting only business that protects against imminent threats to human safety and protects government property. Rulemakings, recalls, and civil penalty negotiations are suspended unless they rise to that threat. *Saferproducts.gov*, the CPSC's consumer incident database, is receiving reports, but will not be publishing them.

Last Monday a two-year-old girl in San Diego, California, was killed when a television tipped over, crushing her to death. Last week a one-year-old boy from Hitterdal, Minnesota, swallowed part of a laundry pod and has been hospitalized due to his injuries. Because of the shutdown, CPSC is unable to investigate these incidents and unable to educate consumers about how to prevent similar tragedies.

Food safety is in jeopardy as well. The FDA will not conduct routine food safety inspections, some compliance and enforcement ac-

tivities will not be monitored. The CDC is at significantly reduced capacity to identify and respond to food-borne illness outbreaks and is unable to support State and local partners in disease surveillance, which has hampered CDC's capacity to track the recent and current salmonella outbreak linked to poultry that sickened close to 300 people. While most USDA inspectors of meat and poultry continue to work, the agency has said that a lengthy hiatus would have serious adverse effects.

Agencies that seek to ensure fairness in the marketplace are also being compromised. Less than 20 percent of FTC's employees are exempt from furloughs. No rulemaking will proceed, and staffers overseeing the "Do Not Call" Registry, the Consumer Response Center, and spam databases are furloughed. The FTC website is not functional. A consumer who is the victim of identity theft cannot access information about the steps they need to take to further protect themselves.

Less than 2 percent of the FCC staff is working. At the CFTC, which oversees the commodity market and the bulk of derivatives markets, the vast majority of its 700 employees are furloughed, leaving the CFTC with few people to police the markets for fraud and manipulation.

The shutdown is jeopardizing numerous consumer protections and placing consumers at potential risk. Thank you.

[The prepared statement of Ms. Weintraub follows:]

PREPARED STATEMENT OF RACHEL WEINTRAUB, LEGISLATIVE DIRECTOR AND SENIOR COUNSEL, CONSUMER FEDERATION OF AMERICA

Chairman Rockefeller, Ranking Member Thune, and members of the Committee on Commerce, Science and Transportation. I am Rachel Weintraub, Legislative Director and Senior Counsel at Consumer Federation of America (CFA). The Consumer Federation of America is an association of nearly 300 nonprofit consumer organizations that was established in 1968 to advance the consumer interest through research, advocacy, and education. I offer this testimony on behalf of Consumer Federation of America as well as Consumers Union, Consumer Action, National Consumers League, National Consumer Law Center, Public Citizen, National Association of Consumer Advocates, and U.S. PIRG.

# **I. Introduction**

As organizations dedicated to working to protect consumers and advance consumer interests, I offer today's testimony to help articulate the impact of the current United States government shutdown on consumers. My focus will be aimed at the practical implications that the closure is having and could have on average American consumers.

We all expect that the air, food, and products we use every day are going to be safe. We don't expect to be ripped-off by a bank, a lender, or a telemarketer. We expect that we can provide information to and find information on government websites. We expect that government agencies will investigate concerns and enforce existing law. Part of our security as consumers can be directly linked to the work conducted by the employees of many different government agencies. During the government shutdown, however, many of the consumer protections we depend upon have been significantly curtailed. Things could get worse if the shutdown continues much longer.

In this testimony, I am relying upon information that has proven to be fluid, and in some cases has changed throughout the day. I am including, what I hope to be the most current information, but acknowledge changes may have occurred since preparing this testimony.

I will highlight what is happening at a few key agencies devoted to consumer protection.

## II. Impact of Shutdown on Key Government Agencies

### A. Health and Safety Agencies

#### 1. Federal Aviation Administration

The Federal Aviation Administration (FAA) has reportedly furloughed 15,514 of its 46,070 employees. While the FAA has deemed air traffic controllers and baggage screeners essential, many of the staffers that support the air traffic controllers have been furloughed. Virtually the entire safety inspection force has been sent home, with only one manager at every office across the country left to answer the phones. This is unprecedented in U.S. aviation history; even during the 1996 government shutdown, most safety inspectors remained on the job. Earlier this week, FAA announced plans to bring back 800 inspectors, oversight staff, and others. But that is still only about 15 percent of the FAA's furloughed airline safety personnel.

#### 2. National Highway Traffic Safety Administration

Consider the impact of the shutdown on the National Highway Traffic Safety Administration (NHTSA). This agency, which is responsible for the safety of millions of people on our roads and highways, has furloughed 333 workers out of a total of 597. The impact of this is that NHTSA is not able to alert consumers about safety recalls. Rulemakings, defect investigations, research, and testing are also on hold. NHTSA's own website states that "[d]ue to a lapse of Federal Government funding, NHTSA is unable to process safety defect complaints after close of business September 30, 2013. Consumers can continue to file complaints via this website, but they will not be evaluated by NHTSA staff until funding and services are restored." Unfortunately, any auto safety defects that emerge during the shutdown will not be investigated properly, leaving consumers and our highways at risk.

A practical example of what this means occurred on October 1 outside of Seattle when a fire started in a Tesla Model S vehicle. This fire is not being investigated by NHTSA. According to a statement the agency gave to ABC News, "[d]uring the Federal government shutdown, some key agency functions have been discontinued until funding is restored. Functions funded by annual appropriations are suspended, including safety defect investigations, field crash investigations, review of consumer complaints and notification of new vehicle and equipment recalls."

#### 3. Consumer Product Safety Commission

The impact of the shutdown on the Consumer Product Safety Commission (CPSC) is significant. CPSC is an independent agency charged with protecting the public from unreasonable risks of injury or death associated with the use of the thousands of types of consumer products. Four percent of the CPSC's total workforce remains on the job—that translates into 23 employees (including its 5 commissioners) out of 540 full-time employees. None of the employees currently working are field investigators or port inspectors. This means that CPSC does not have port inspectors evaluating products as they come into the ports, especially during this pre-holiday season. The CPSC is conducting only business that "protects against imminent threats to human safety, and protect government property" and rulemakings, recalls, and civil penalty negotiations are suspended unless they rise to this level of threat. Saferproducts.gov, the CPSC's consumer incident database, is receiving reports but will not be publishing them. This will deny consumers the opportunity to learn about potentially dangerous products.

This cutback at the CPSC also has very real implications. Last Monday, a two-year-old girl in San Diego, California, was killed when a chest of drawers with a television on top of it, tipped over and fell on her, crushing her to death. Last week, a one-year-old boy from Hitterdal, Minnesota, swallowed part of a laundry pod and has been hospitalized due to his injuries. He was just moved out of intensive care and is breathing on his own. Because of the shutdown, the CPSC is unable to investigate these serious incidents and is unable to work to educate consumers about how to avoid these serious and preventable safety hazards.

#### 4. Food and Drug Administration

Food safety is in jeopardy as well. According to the Health and Human Services' shutdown plan: "FDA will be unable to support the majority of its food safety, nutrition, and cosmetics activities." This means that FDA will not conduct routine food safety inspections, some compliance and enforcement activities and will not be monitoring imports. Much of the laboratory and scientific research necessary to inform public health decision-making will also not be conducted.

## 5. The Center for Disease Control and Prevention

The Centers for Disease Control and Prevention (CDC) has 68 percent of its staff furloughed, which means that CDC is at significantly reduced capacity to identify and respond to foodborne illness outbreaks, and is unable to support state and local partners in disease surveillance. PulseNet, CDC's national network of public health laboratories that detects multi-state food-borne illness outbreaks was non-functioning as a result of the shutdown. This hampered CDC's capacity to track the recent Salmonella outbreak linked to poultry that sickened close to 300 people. The employees who run PulseNet are now back to work since the CDC determined that PulseNet was vital to protecting the public from "imminent threats." Still, consultation with states and laboratory work to link outbreaks that might cross state borders will remain at reduced capacity during the shutdown.

## 6. United States Department of Agriculture

Most Department of Agriculture (USDA) inspectors of meat and poultry continue to work. The USDA's Food Safety Inspection Service will continue manning every meat production facility with full-time inspectors. However, a meat and poultry hotline consumers can call for information about food safety or to report problems is closed. The agency has said that "[a] lengthy hiatus would affect the safety of human life and have serious adverse effects on the industry, the consumer and the Agency."

## 7. Environmental Protection Agency

The shutdown has had an impact on the air we breathe and the water we drink. The Environmental Protection Agency (EPA) furloughed 96 percent or 16,205 employees, leaving 613 workers on the job. Most EPA operations have come to a halt. EPA programs to protect public health, air quality, and safe drinking water and to regulate pesticides and pollution are mainly longer-term in nature and therefore are not considered essential to prevent imminent risk to human health. Clean up at 505 Superfund sites (property contaminated by toxic chemicals) in 47 states is suspended. Some laboratory staff is continuing to work as are emergency responders (responding to environmental emergencies). Some limited enforcement activities will continue, but with skeletal staff.

EPA's Energy Star program for certifying energy efficient appliances and electronics is currently closed. EPA will not be updating its *FuelEconomy.gov* website with new vehicle fuel-economy ratings. The consequence is that there will be no EPA oversight of the accuracy of new fuel economy ratings until the government reopens.

### *B. Agencies that Ensure a Fair Marketplace*

In addition to the work of agencies that protect the health and safety of consumers, the work of agencies that seek to ensure that consumers are treated fairly in the marketplace is also being compromised.

#### 1. Federal Trade Commission

Less than 20 percent of Federal Trade Commission (FTC) employees (approximately 241 of its 1,178 workers) are exempt from furloughs. Employees responsible for protecting life and property through the prosecution of enforcement actions are working. Most legal actions have been stayed and for those few cases where the court has not granted stays, agency work continues. However, the agency expects no rulemakings during the shutdown, and staffers overseeing the Do Not Call registry, Consumer Response Center, and spam database have suspended work. Consumers who are identity theft victims cannot access information that the FTC provides about the steps they should take or how to report the problem.

The FTC's website is not functional—on the FTC's home page, it states, "[u]nfortunately, the Federal Trade Commission is closed due to the government shutdown: the FTC Premerger Notification Office will be open to accept HSR filings; consumers may file FOIA requests, but they will not be processed; consumers cannot file complaints or register for Do Not Call; all public workshops, roundtables, hearings and conferences are postponed until further notice."

The Justice Department's Antitrust Division is similarly affected. Sixty-three percent of its workforce has been furloughed. That could significantly impair its merger enforcement activities, including its pending challenge to the American Airlines/US Airways merger, and other important enforcement activities that protect consumers against harm from anticompetitive business conduct.

## 2. Federal Communications Commission

According to the Federal Communications Commission's (FCC) shutdown plan, approximately 30 FCC employees—or less than 2 percent of its approximately 1,750 employees—have been deemed essential and exempt from the furlough. Among those deemed essential are the three Commissioners (though not their legal advisors), the inspector general, and a small number of employees who are tasked with critical functions such as the protection of life and property, disaster response operations, and integral national security functions. Some of the FCC activities that will cease under the shutdown include: merger reviews, responses to consumer complaints, consumer protection, local competition enforcement, licensing of broadcast, wireless, and management of radio spectrum, and equipment authorizations (which bring new electronic devices to the American public). Work has been delayed on the highly anticipated spectrum auctions, and could affect the timing of the first of these auctions, which were supposed to take place in January. Finally, the FCC has ceased maintaining its online systems, leaving the public unable to access the resources, public comments, and consumer education materials available on its website.

## 3. Financial Regulators

The Federal Reserve, the Federal Deposit Insurance Corporation (FDIC) and the Office of the Comptroller of the Currency (OCC) are self-funded and not subject to the appropriations process. All will remain open and operational. Since the Consumer Financial Protection Bureau (CFPB) is funded through the Federal Reserve, it will also remain open and operational.

The Securities and Exchange Commission (SEC) and the Commodity Futures Trading Commission (CFTC) are both funded through the appropriations process and are directly affected by the shutdown. The CFTC, which oversees the commodity market and the bulk of the derivatives market, was immediately forced to furlough the vast majority of its 700 employees, leaving only 28 employees working at the agency. This comes at a time when both agencies are struggling under enormous workloads to implement the Dodd-Frank Wall Street Reform and Consumer Protection Act and, in the case of the SEC, the JOBS Act. That process has virtually ground to a halt at the CFTC, where key rules to protect against risks in the derivatives markets were just beginning to take effect. It also leaves the CFTC with only a few people to police the markets for fraud and manipulation, less than 5 of the 50 individuals who normally perform this function. The SEC has reported that they have enough carry-over funding to allow it to operate essentially normally for “a few weeks.” But that funding will run out if the shutdown continues for an extended period of time.

## 4. Housing Finance

The mortgage market is operated primarily by non-governmental entities in the private sector, but the shutdown is having an impact in this area. Mortgage loans may be delayed because the Internal Revenue Service (impacted by the shutdown) is not in a position to verify income for borrowers. In addition, the Federal Housing Administration (FHA) is operating with only a skeleton staff and is unable to do full quality control reviews of loans receiving FHA mortgage insurance through delegated underwriters. Over time, this could reduce the quality of the FHA portfolio and lead to higher losses for the insurance fund.

In the affordable rental housing field, the Department of Housing and Urban Development (HUD) has funded current contracts with public housing agencies to provide rental subsidies for very low income renters. But very shortly current funding will expire, and agencies responsible for paying landlords on behalf of very low income tenants or for directly operating housing for such tenants may be unable to meet their obligations. Assistance for homeless families and single individuals, typically provided by private, nonprofit operators using Federal funds, is also at risk if the shutdown extends further. Similarly, affordable housing developers are reporting that projects in their pipeline are on hold because officials at HUD and USDA's Rural Housing Service are unable to respond to questions, process applications for assistance, or sign off on proposed or final development deals.

## III. Conclusion

The government shutdown that we are in the midst of is having a broad impact on consumers. Numerous consumer protections that consumers expect the government to ensure are not being provided due to this shutdown, placing consumers at potential risk.

The CHAIRMAN. Thank you very much.

One of the things that you make me think of is that you were using specific examples and I think the rest of us have been talking more in sort of general, the overlay of the situation. Of course, it always comes down to individual science experiments that can't happen. So one of the things that our committee, before I call on Senator Wicker, our committee has done is to compile—you all have this in front of you. It's a committee report on government shutdown. It's 29 pages long. It could be 2,900 pages long. But it gives a closer account, a more human account of what's not happening.

I ask unanimous consent that this report be made a part of the record.

Senator WICKER. Mr. Chairman, this is a report by——

The CHAIRMAN. Us.

Senator WICKER.—by the majority staff of the Committee; is that correct?

The CHAIRMAN. Yes.

Senator WICKER. I just haven't seen it. So no, I have no objection. [The information referred to follows:]

Committee on Commerce, Science, and Transportation

#### IMPACTS OF THE 2013 GOVERNMENT SHUTDOWN

Majority Staff Report for Chairman Rockefeller—October 11, 2013

#### TABLE OF CONTENTS

#### **Executive Summary**

#### **Case Studies**

Consumer Product Safety Commission  
Economic and Statistics Administration  
Federal Aviation Administration  
Federal Trade Commission  
Maritime Security Program (MSP)  
National Aeronautics and Space Administration  
National Highway Traffic Safety Administration  
National Marine Fisheries Service Biologists  
NOAA's Weather Forecasting Services  
National Transportation Safety Board  
United States Coast Guard  
United States Merchant Marine Academy  
United States Travel and Tourism Industry

#### **Executive Summary**

On October 1, 2013, the Federal Government experienced a lapse in funding and began a government shutdown. The shutdown has already had a significant impact. Approximately 800,000 Federal employees were initially furloughed in agencies across the government. According to the planning documents submitted by agencies to the Office of Management and Budget and other sources, the vast majority of employees in agencies under the U.S. Senate Commerce Committee's jurisdiction were to be furloughed.<sup>1</sup>

<sup>1</sup>Furlough data in this report is based on agency plans for shutdown (online at: <http://www.whitehouse.gov/omb/contingency-plans>) and conversations with agency staff. See also Gov-



As a result of the shutdown and subsequent employee furloughs, agencies have been forced to suspend or cease many vital operations. The following fact sheets assembled by Committee majority staff provide case studies of operations and activities that have been affected by the shutdown. For example:

- All Consumer Product Safety Commission (CPSC) port inspectors in the field have been furloughed, preventing the CPSC from screening products at ports of entry. CPSC port investigators annually screen thousands of product shipments and prevent millions of potentially dangerous product units from reaching store shelves—including children’s products containing excessive lead content and sleepwear that violates flammability standards. (See page 1 for additional detail)
- The Federal Aviation Administration has halted the development, operational testing, and evaluation of technologies and safety standards for NextGen—the agency’s program to modernize the air traffic control system and make the National Airspace System safer and more efficient. (See page 5 for additional detail)
- The closure of federally-run parks and other attractions is estimated to result in substantial economic harm to communities across the country that benefit from tourism activities surrounding these sites. It is estimated that the communities that surround National Park Service sites may lose as much as \$30 million and 750,000 visitors every day that these sites are closed. (See page 23 for additional detail)
- National Marine Fisheries Service determination of fishing quotas and permit approvals are pre-requisites for the commencement of fishing seasons across the country. As a result, furloughs of NMFS biologists who perform these functions threaten to delay and truncate the lucrative king crab fisheries season in Alaska and Washington, which was slated to start October 15 and typically lasts only a month or two. (See page 13 for additional detail)
- Both the National Highway Traffic Safety Administration and the National Transportation Safety Board have furloughed crash investigators, and as a result have been unable to send crash investigations teams to crashes during the shutdown, including the recent Tesla Model S that experienced a battery fire on October 1. (See pages 11 and 17 for additional detail)
- The National Aeronautics and Space Administration has furloughed over 17,000 employees not including contractors. Testing and validation activities on the James Webb Space Telescope, one of NASA’s flagship science missions, have ceased, and NASA has powered down a United States-Japan weather research satellite that was due to be shipped for a February launch. (See page 9 for additional detail)

#### SENATE COMMERCE COMMITTEE GOVERNMENT SHUTDOWN FACT SHEET

##### Consumer Product Safety Commission



The CPSC is an independent federal regulatory agency that protects the public against unreasonable risks of injury or death from consumer products. It is one of the first lines of defense separating children from dangerous products in the marketplace.

The CPSC monitors the safety of over 15,000 consumer products used in and around the home, outdoors, in the workplace, and in schools—including everything from children’s toys to portable gas generators and toasters. Deaths, injuries, and property damage from consumer product incidents cost the nation more than \$1 trillion annually. Major activities of the Commission include: issuing safety standards, initiating recalls, conducting research on potential consumer product hazards, informing the public of potential product hazards, and monitoring imported products at U.S. ports of entry for safety defects.

**Federal Workforce:** Employs approximately 530 employees.

*ernment Shutdown: What’s Closed, What’s Open?*, CNN (Oct. 1, 2013) (online at <http://www.cnn.com/2013/10/01/politics/government-shutdown-closings/>).

*Shutdown Impact:*

- *Employees Furloughed:* Approximately 95 percent of CPSC employees have been furloughed. This includes employees who work on hazard identification and reduction, compliance and field operations, import surveillance, and the general counsel's office.
- *Other Impacts:*
  - All product safety investigations, civil penalty negotiations, and any enforcement proceedings or recalls that do not meet the threshold of involving a "substantial and immediate threat to the safety of human life" have ceased.
  - All port inspectors in the field have been furloughed, preventing the CPSC from screening products at ports of entry. CPSC port investigators annually screen thousands of product shipments and prevent millions of violative or dangerous product units from reaching store shelves. In the first half of FY 2012 alone, inspectors prevented over 1 million units of violative or dangerous products from reaching consumers—including children's products containing excessive lead content, and children's sleepwear that violated flammability standards.<sup>2</sup>
  - With fewer than 25 staff at work nationwide, CPSC has virtually no resources to monitor, sample, and conduct activities to enforce lead standards and ensure safety in consumer interactions with other dangerous products.
  - The CPSC can no longer publish reports of harm and potential harm on the publicly accessible website *saferproducts.gov*, which each month typically receives over 100,000 visits and publishes over 1,000 reports.<sup>3</sup>

*Economic and Statistics Administration*



The Commerce Department's Economic and Statistics Administration, which houses the Bureau of Economic Analysis and the Census Bureau, produces key data about the state of the U.S. economy. These agencies release regular statistical reports that influence decisions of government officials, business people, and individuals. The cornerstone of the BEA's economic measures are the National Income and Product Accounts (NIPAs), a comprehensive set of measures such as Gross Domestic Product (GDP), price indexes (e.g., Consumer Price Index), and foreign transactions (e.g., the Current Account balance).

*Federal Workforce:* The Bureau of Economic Analysis employs 460 Federal employees.

*Shutdown Impact:* The Economic and Statistics Administration is closed for the duration of the government shut down. 456 employees of the BEA are furloughed with only a skeletal staff of 5 deemed excepted. BEA is not releasing any new economic statistics, and is not collecting or analyzing new data, including any analysis of the impact of the government shutdown on the economy. Additionally, the BEA website is inaccessible to researchers and others who rely on its data to analyze the state of the economy.

- The BEA was to release a report on construction spending 10 hours after the shutdown began. That report has not been released.<sup>4</sup> Similarly, reports on U.S. international trade in goods and services, monthly wholesale trade, retail sales, and manufacturing inventory and trade were not released as scheduled.
- The BEA is scheduled to release its first estimate of the third quarter Gross Domestic Product (GDP) on October 30. It is not yet clear if that report will be impacted by the closure.

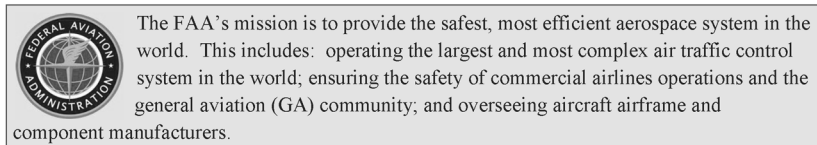
<sup>2</sup> U.S. Consumer Product Safety Commission, *Port Surveillance News: CPSC Takes Safety to the Front Lines* (July 23, 2012).

<sup>3</sup> U.S. Government Accountability Office, *Consumer Product Safety Commission: Awareness, Use, and Usefulness of SaferProducts.gov* (Mar. 2013) (GAO-13-306).

<sup>4</sup> *UPDATE 1—U.S. Government Shutdown Slows Flow of Data to a Trickle*, Reuters (Oct. 1, 2013) (available at: <http://www.cnbc.com/id/101077765>).

- The Census Bureau is shuttered and unable to prepare economic data that is due to be released this month, including August factory orders, the trade deficit for August, and August business inventories and September retail sales.<sup>5</sup>
- The loss of these data sets along with the loss of jobs numbers from the Department of Labor has hindered the ability of financial analysts to make determinations about the state of the U.S. economy this month. This affects investment decisions and financial markets, and could impact the Federal Reserve's monetary policy analysis.

### Federal Aviation Administration



*Federal Workforce:* Employs approximately 46,000 employees throughout the Nation.

#### *Shutdown Impact:*

- *Employees Furloughed:* The FAA initially furloughed 15,514 employees. The agency recalled 800 safety related employees on October 7, leaving 14,714 employees on furlough.
- *Other Impacts:*
  - The closure of the Aircraft Registry Office has effectively shut down aircraft deliveries. Any aircraft that is sold domestically, exported, or imported for commercial or private use must be registered by this office. The General Aviation Manufacturers Association information indicates that the shutdown will delay delivery of about 142 new GA aircraft by mid-October, with a combined value of almost \$1.5 billion. If the office remains closed the impact on GA manufacturers could be substantial: typically about 35 percent, or roughly \$8 billion worth of annual GA aircraft deliveries occur in the fourth quarter. In 2012, shipments of GA airplanes totaled 2,133 airplanes, and were valued at \$18.9 billion.
  - FAA staff who certify the safety of aircraft, component parts, and modifications to aircraft, have been reduced from approximately 1,300 employees to 100 due to the shutdown. The manufacture of civilian aircraft and related components directly provided 1,090,000 jobs that produced \$185 billion in economic output in 2009, while U.S. sales of civilian aircraft, engines, equipment and parts to foreign entities contributed \$75 billion toward the Nation's trade balance that year. The continued reduction in FAA certification activities threatens this sector as it could delay manufacturers' schedules across the country. Industry stakeholders indicate a lengthy shutdown could also lead to layoffs.
  - FAA has halted the development, operational testing, and evaluation of technologies and safety standards for NextGen—the agency's program to modernize the air traffic control system. NextGen will make the National Airspace System safer and more efficient by moving the agency to a satellite-based air traffic control system that uses GPS and advanced communications to provide pilots and air traffic controllers with real-time traffic and weather information. Progress on NextGen slowed during initial implementation of the sequestration in 2013 and the initiative has been put on hold altogether due to the shutdown.
  - The FAA's furlough of over half of its inspectors who review airline operations and aircraft manufacturing facilities—approximately 1,700 safety inspectors—also raises concerns about the potential erosion in the agency's layers of safety oversight.

<sup>5</sup>Pew Research Center, *Federal Government Shutdown: The Data Casualties* (Oct. 2, 2013) (available at: <http://www.pewresearch.org/fact-tank/2013/10/02/federal-government-shutdown-the-datacasualties/>).

## Federal Trade Commission



The Federal Trade Commission (FTC) is the nation's premier consumer protection agency. It enforces laws that prohibit business practices that are anticompetitive, deceptive, or unfair to consumers. The FTC also educates consumers and businesses to encourage informed consumer choices and compliance with the law.

The FTC's enforcement activities – which center on advertising and marketing practices, deceptive financial products, telemarketing fraud, privacy, and identity protection – result in millions of dollars in consumer redress each year and the issuance of permanent injunctions to prevent abusive behavior in the marketplace. Additionally, through advocacy, education, and policy work, the FTC protects consumers and promotes competition before marketplace harms can occur.

**Federal Workforce:** Employs approximately 1,178 employees in Washington, D.C., and seven regional offices.

### *Shutdown Impact:*

- **Employees Furloughed:** Roughly 925 or more employees in Washington, D.C., and the seven regional offices.
- **Other Impacts:** The FTC has shut down all consumer protection activity except for ongoing cases for which there are pending court dates that cannot be postponed. This means:
  - The FTC is no longer receiving or processing information from states, consumers, and other sources on fraudulent actors that are committing unfair or deceptive acts or practices; nor is the Commission seeking new enforcement actions against bad actors.
  - The FTC is no longer conducting any consumer protection awareness outreach to schools and local communities.
  - The FTC's Consumer Sentinel database—the main national tool for gathering and evaluating consumer complaint information submitted to local, state, and Federal entities—is not operational. As a result local and state law enforcement cannot access critical information about fraudulent actors and track fraud across borders.<sup>6</sup>

## Maritime Security Program



The Maritime Administration (Marad) within the Department of Transportation is responsible for the promotion and viability of the U.S. merchant marine, including the administration of the Maritime Security Program (MSP). The MSP maintains a core fleet of U.S.-flag, privately-owned vessels operating in international commerce, which are also under agreement to provide support to the Department of Defense during war and national emergencies. These vessels provide critical support to the military and delivered more than 95 percent of the nation's war supplies to Iraq and Afghanistan. For example, in 2009 MSP carriers served a critical role in providing support to the military by helping to quickly establish the Northern Distribution Network as an alternate route to move cargoes overland into Afghanistan.

**Federal Workforce:** Marad has approximately 830 employees in Washington, D.C., and in regional offices throughout the United States. In addition, the MSP program supports 2,700 mariner positions in the United States and on vessels throughout the world.

### *Shutdown Impact:*

- **Employees Furloughed:** 451 employees in regions throughout the country.

<sup>6</sup>Federal Trade Commission, *Shutdown of Federal Trade Commission Operations Upon Failure of the Congress to Enact Appropriations* (Sept. 27, 2013).

- *Other Impacts:*

- The MSP is operating under severely constrained funds, because of a lack of a long-term appropriations bill and the impacts of sequestration. The lack of full funding will require Marad to shortly cut more than 10 vessels from the program, which will diminish the number of vessels available to transport supplies to our troops. According to the U.S. Transportation Command, reductions in these fleets could hinder our ability to quickly deploy and sustain our forces.
- It costs carriers more to operate U.S. vessels as opposed to foreign-flag vessels because labor and environmental costs are higher in the United States. MSP funding offsets such costs and helps ensure that American mariners on American-flagged vessels are available during military conflicts or national emergencies. Without full funding for the MSP to offset these costs, some carriers may leave the program and their change their registration to be foreign-flag.<sup>7</sup> According to the Maritime Administration, this would result in the loss of more than 400 mariner jobs.

### National Aeronautics and Space Administration



The National Aeronautics and Space Administration (NASA) is responsible for the nation's civil space program. The agency's exploration programs have included missions to every planet in the solar system. NASA is the only space agency in the world to have completed multiple successful robotic missions to the surface of Mars. The agency built and operated for 30 years the Space Shuttle, the world's first reusable spacecraft, and constructed the International Space Station (ISS), widely regarded as the most complex engineering project ever endeavored. NASA's in-space observatories have resulted in key scientific discoveries, unlocking clues to understanding the formation and composition of the universe. In fiscal year 2013, NASA's activities included the continued robotic exploration of Mars, pharmaceutical research and natural disaster monitoring from the ISS, ongoing development of commercial access to space, and the engagement of tens of thousands of students in education and career development activities.

**Federal Workforce:** NASA directly employs more than 18,000 workers, not including contractors, through its centers in Alabama, California, Florida, Ohio, Maryland, Mississippi, Texas, Virginia, and the District of Columbia.

#### *Shutdown Impact:*


- **Employees Furloughed:** NASA has furloughed over 17,000 employees (not including contractors) across all agency centers.
- **Contracts Affected:** Some NASA contractors have been furloughed and access to NASA facilities has been limited, including for major programs such as the Orion MultiPurpose Crew Vehicle, scheduled to first launch in 2014. In addition, NASA oversight and coordination activities have stopped, potentially leading to costly overruns due in part to missed deadlines and to the additional resources required to shut down and restart activities.
- **Other Impacts:**
  - Barring exceptions such as that granted to the upcoming MAVEN launch to Mars, missions may face missed launch windows and delays if government shutdown continues. For instance, the January 2014 launch date for the latest Tracking and Data Relay Satellite (TDRS-L), which supports communication with space assets, could be at risk.
  - Ground operations in support of new ISS research has halted, which may disrupt the pipeline of experiments slated for launch. ISS research areas include human physiology, pharmaceuticals, agriculture, and earth observation.
  - Testing and validation activities on the James Webb Space Telescope, one of NASA's flagship science missions, have ceased. Meanwhile, NASA has pow-

<sup>7</sup> Captain Phillip's Ship Helmed by Tom Hanks at Risk in Shutdown, Bloomberg.com (Oct. 9, 2013).

ered down a U.S.-Japan weather research satellite due to be shipped for a February launch.<sup>8</sup>

- Some NASA contractors have already reported financial difficulties that may require them to use loans to pay salaries or face major layoffs. In some cases, NASA will have to pay late fees to contractors once the shutdown has concluded.

### National Highway Traffic Safety Administration

	<p>The National Highway Traffic Safety Administration (NHTSA) is responsible for ensuring the safety of vehicles on the roads and for providing consumer information about the safety of vehicles on the market. NHTSA establishes Federal Motor Vehicle Safety Standards that all passenger vehicles must meet. The agency is responsible for ensuring compliance with those safety standards, investigating possible vehicle safety defects, working with automakers to recall vehicles that are non-compliant or that contain safety defects, and conducting research into vehicle safety issues. As part of these duties, NHTSA tracks information from manufacturers and consumers regarding potential defects and conducts investigations into some vehicle crashes.</p>
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*Federal Workforce:* NHTSA as a whole employs 597 employees in Washington, D.C., and in regional offices across the country. Of that total, 337 work on the vehicle safety programs that are funded through annual appropriations. The other 259 work on highway safety behavioral programs and are funded through the Highway Trust Fund.

#### *Shutdown Impact:*

- *Employees Furloughed:* 333 employees—virtually the entire staff dedicated to vehicle safety—have been furloughed.
- *Other Impacts:*
  - All crash investigators are furloughed. As a result, NHTSA has been unable to send Special Crash Investigations teams to any crashes during the shutdown. For example, the shutdown prevented NHTSA from examining a Tesla Model S that experienced a battery fire on October 1. Without funding, the agency cannot examine the battery to gather information about the cause of the fire, nor can it use information from this fire to inform its ongoing work on battery safety.<sup>9</sup>
  - On average, vehicle manufacturers issue more than 400 recalls per year, affecting millions of individual vehicles. While a minority of these recalls is influenced by NHTSA investigations, all involve consultation with NHTSA regarding the content of the recall notice and the effectiveness of the recall campaign.<sup>10</sup> Due to the shutdown, however, the agency is not reviewing any safety data submitted during the time of the shutdown. This includes regular reports from vehicle manufacturers, consumer complaints, and reports from manufacturers regarding potential defects. As a result, NHTSA cannot influence the recall process.<sup>11</sup>
  - All safety defect investigations that were open at the time of the shutdown are on hold. These include investigations into possible loss of transmission power in some Nissan vehicles, allegations of fires in the front passenger area on some Jeep Grand Cherokee vehicles, and reports of unexpected braking on some Honda minivans.<sup>12</sup>

<sup>8</sup>NASA Missions Struggle to Cope with Shutdown, *Nature* (Oct. 8, 2013) (online at: <http://www.nature.com/news/nasa-missions-struggle-to-cope-with-shutdown-1.13893>).

<sup>9</sup>Furloughed Inspectors Leave Gaps in Safety Oversight, *Bloomberg* (Oct. 9, 2013).

<sup>10</sup>Government Accountability Office, *Auto Safety: NHTSA has Options to Improve the Safety Defect Recall Process* (June 2011).

<sup>11</sup>Department of Transportation, *Operations During a Lapse in Annual Appropriations Plans by Operating Administration* (Sept. 27, 2013).

<sup>12</sup>*Id.*; National Highway Traffic Safety Administration investigations (PE13029, PE13027, PE13024).

### National Marine Fisheries Service Biologists



The National Marine Fisheries Service (NMFS) is a division of the National Oceanic and Atmospheric Administration within the U.S. Department of Commerce. NMFS biologists are responsible for the stewardship of the nation's living marine resources and their habitat, and work to prevent lost economic potential associated with overfishing and declining species and degraded habitats. They assess and predict the status of fish stocks, enforce fisheries regulations under the Magnuson Stevens Act, and work to reduce wasteful fishing practices. They also help recover protected marine species such as whales and turtles.


*Federal Workforce:* There are 3,149 NMFS employees across the country.

*Shutdown Impact:*

- *Employees Furloughed:* Of the 3,149 employees within the National Marine Fisheries Service, 2,675 have been furloughed.
- *Other Impacts:*
  - NMFS staff analysis of fish stocks is essential for determining allowable catch limits and issuing permits, without which fishermen across the United States cannot fish. This system helps guard against illegal fishing in U.S. waters by international fisherman and ensure the fish American consumers eat is safe and sustainable. Without NMFS determination of fishing quotas and permit approval, fishing seasons cannot commence. For example:
  - The opening day of the lucrative king crab fisheries season in Alaska and Washington is slated for October 15. The entire crab season is over when quotas are reached, which is typically within about a month or by January 1 at the latest.
  - Crab fishing in this region depends on a quota system whereby the NMFS determines the total metric tonnage for the crab harvest and assigns quotas to harvesters.
  - This year, nearly 500 eligible vessels and companies have applied for permits to fish in this season. But due to the shutdown, NMFS has not yet assigned them quotas.
  - Every day these fishermen are docked could mean money lost for them. Captain Keith Coburn, who is seen on Discovery Channel's *Deadliest Catch*, has estimated that he makes 30 percent of his annual income in about 8 days during this season, and that if the shutdown continues long enough to prevent his participation at the start of the season, he will lose this income.
  - A delay of even one week in the fishing season could mean that the opportunity to export to the holiday market in Asia would be missed, and Japan is the fleet's largest buyer.
  - Crab processors and food distributors would also be indirectly affected by delays in the king crab fishing season, and consumers could pay higher prices for king crab.<sup>13</sup>
  - In October, toward the end of the cod fishing season, NMFS staff typically review the unused quota for cod to reallocate unused trawl cod allocations to other fishing sectors utilizing other types of fishing gear to catch the fish. Cod fishermen in Alaska have raised concern regarding whether the shutdown will delay this reallocation, leave millions of cod uncaught, and undermine economic opportunity for these fisherman.

<sup>13</sup> *Government shutdown threatens king crab season*, KIROTV.com (Oct. 5, 2013) (online at <http://www.kirotv.com/news/news/government-shutdown-threatens-king-crab-season/nbGpX/>).

## National Oceanic and Atmospheric Administration's Weather Forecasting Services



The National Oceanic and Atmospheric Administration (NOAA) is a scientific agency within the Department of Commerce. Its mission is to understand and predict changes in Earth's environment, and conserve and manage coastal and marine resources to meet the nation's economic, social, and environmental needs. NOAA currently has a presence in every state and affects more than one-third of America's gross domestic product. NOAA's National Weather Service provides weather, hydrologic, and climate forecasts and warnings for the United States for the protection of life and property, and the enhancement of the national government.

*Federal Workforce:* NOAA has 12,274 Federal employees.

### *Shutdown Impact:*

- *Employees Furloughed:* Across NOAA, 5,369 staff have been furloughed, including 663 National Weather Service employees, and 609 National Environmental Satellite, Data and Information Service employees.
- *Contracting Impact:* NOAA has already initiated layoffs of hundreds of Federal contractors in the wake of the shutdown. Further, private contractors reliant upon NOAA funding have warned they will need to initiate furloughs in the coming weeks if the shutdown continues.<sup>14</sup>
- *Other Impacts:* Every commercial weather service and company in the Nation and many across the globe rely directly on products and services provided by NOAA.
  - While NOAA's immediate core weather operations remain functional in the short term, the flow of current services has been hampered in numerous instances by the shutdown, including the following examples:
  - Some forecasters are reporting lack of access to data on servers located in furloughed NOAA offices and to data at the shuttered National Climate Data Center.<sup>15</sup>
  - Fishermen have complained that they cannot access their usual offshore forecasts.<sup>15</sup>
  - The National Weather Service and NOAA's official Twitter feeds have stopped disseminating all information and updates to stakeholders.
  - Most technical maintenance work on weather information technology services, such as updating weather forecasting software and repairing technical problems, has been suspended.<sup>16</sup>
  - National Ocean Service products and services such as nautical charting, and coastal management and work performed to safely reopen ports following storms, are almost entirely suspended.<sup>17</sup>
  - Additionally, the shutdown threatens to undermine future weather forecasting capability. Nearly all NOAA staff working to refine, develop, and improve on the Nation's current forecasting models, products, and services have been furloughed. This includes staff working to develop the next generation of essential weather satellites, including the Joint Polar Satellite System and Geostationary Operational Environmental Satellite program—satellites that are already overdue. Experts predict the Nation may face a gap in weather forecasting capability in future years when existing satellites fail and the next generation of satellites has not been successfully deployed.

<sup>14</sup> Committee staff conversations with affected furloughed contractors of NOAA, NASA, and representatives of Lockheed Martin and Ball Aerospace (Oct. 2013).

<sup>15</sup> Information provided to Committee staff from National Weather Service Employee Organization (Oct. 2013).

<sup>16</sup> Information provided to Committee staff from National Employees Weather Service Union (Oct. 2013).

<sup>17</sup> Information provided to Committee staff from Department of Commerce (Oct. 2013).



## National Transportation Safety Board



NTSB is an independent federal agency charged by Congress with investigating every civil aviation accident in the United States and significant accidents in other modes of transportation, including railroad, highway, maritime, and pipeline. NTSB determines the probable cause of each accident investigated and issues safety recommendations aimed at preventing future accidents.

**Federal Workforce:** NTSB employs 410 employees in Washington, D.C.; Ashburn, VA; Denver, CO; Federal Way, WA; and Anchorage, AL.

### *Shutdown Impact:*

- **Employees Furloughed:** 383 of the 410 total employees have been furloughed.
- **Other Impacts:** Due to the shutdown and resulting high number of furloughed employees, NTSB now has severely limited accident investigation capabilities. While the agency has initiated a few investigations since the shutdown began, staff limitations have not allowed for the investigation of most recent accidents. Further, NTSB has been forced to suspend a number of accident investigations, which will delay critical findings on accident causes and delay issuance of safety recommendations.

### *Accident Investigations Not Initiated:*

- October 7, 2013, Washington, D.C.—Washington Metro System. The NTSB said it would not investigate an October 6 accident that occurred in a tunnel in the Metro system serving Maryland, Virginia, and the District of Columbia, which had killed a contractor and injured two Metro employees.<sup>18</sup>
- October 2, 2013, Dandridge, TN—Fatal bus crash. A bus operated by Front Street Baptist Church in Statesville, NC, was travelling on Interstate 40 when the left front tire reportedly blew out; the bus crossed through the median area and into opposing traffic lanes and was impacted by a westbound tractor-trailer and an SUV. Six bus passengers died, the driver of the tractor-trailer died, and one of the three occupants in the SUV died. There were a minimum of 13 others who were injured, many of them seriously.<sup>19</sup>
- October 1, 2013, Kent, WA—Tesla Model S fire. A battery-related fire started in a Tesla Model S vehicle after the vehicle struck metal debris on the road.<sup>20</sup> According to the NTSB, investigating this lithium ion battery issue would have complemented a previous investigation of the Chevrolet Volt battery-related fire and provided additional information regarding the technology.

### *Major Accident Investigations Suspended:*

- September 29, 2013, Santa Monica, CA—Crash of a private jet. A Cessna Citation plane crashed at the Santa Monica Airport on September 29, 2013, causing four casualties. NTSB staff was on the scene to start the investigation, but NTSB has suspended the investigation.<sup>21</sup>
- July 6, 2013, San Francisco, CA—Crash of Asiana flight 214. A jetliner crashed landed in San Francisco killing three passengers and injuring dozens.<sup>22</sup> The investigative hearing for this incident originally scheduled for November 6–7, 2013, has been delayed.<sup>23</sup>
- May 28, 2013, Rosedale, MD—CSX freight train crash. A CSX freight train hit a truck in Baltimore County Maryland resulting in the train derailling and an explosion.<sup>24</sup> According to the NTSB, all investigative activity and project work has halted.

<sup>18</sup> *NTSB Won't Investigate Fatal Metro Accident Because of Government Shutdown*, Washington Times (Oct. 7, 2013).

<sup>19</sup> *No NTSB Investigators for Deadly Bus Crash Because of Government Shutdown*, NBC News (Oct. 3, 2013).

<sup>20</sup> *How Does the Tesla Model S Ace Safety Tests, but Catch on Fire?*, ABC News (Oct. 3, 2013).

<sup>21</sup> *See Government Shutdown Halts NTSB Probe into Santa Monica Jet Crash*, Los Angeles Times (Oct. 1, 2013).

<sup>22</sup> *Third Girl Dies from Injuries in Asiana Airlines Crash in San Francisco*, NBC News (Jul. 15, 2013).

<sup>23</sup> National Transportation Safety Board (online at [www.NTSB.gov](http://www.NTSB.gov)).

<sup>24</sup> *Freight Train Hits Truck and Derails in Maryland*, CNN (May 30, 2013).

- May 23, 2013, Mount Vernon, WA—Bridge collapse over the Skagit River. A tractor trailer struck a bridge on I-5 in Washington State causing a portion of the bridge to collapse.<sup>25</sup> According to the NTSB, all investigative activity and project work has halted.
- May 2013, Bridgeport, Connecticut—Metro-North rail accidents. On May 28, a Metro-North worker was struck by a train while he worked on the tracks. On May 17, an eastbound train derailed and crashed into an oncoming train injuring dozens of passengers.<sup>26</sup> The pre-hearing conference for this investigative hearing originally scheduled for October 8, 2013, has been postponed.
- November 15, 2012, Midland, TX—Parade float collision with Union Pacific train. A parade float carrying Wounded Warriors and their spouses from the Iraq and Afghanistan wars was impacted by a UP train, killing 4 soldiers and seriously injuring several others.<sup>27</sup> According to NTSB, consideration of the agency's report is scheduled for early November but likely to be postponed.

#### United States Coast Guard



The U.S. Coast Guard is one of the five armed forces of the United States and the only military organization within the Department of Homeland Security. Since 1790, the Coast Guard has safeguarded our nation's maritime interests and environment around the world. The Coast Guard is an adaptable, responsive military force of maritime professionals whose broad legal authorities, capable assets, geographic diversity, and expansive partnerships provide a persistent presence and enforce all applicable federal laws along our rivers, in U.S. ports and littoral regions, and on the high seas. The Service performs eleven statutory missions, which can be categorized broadly into three roles: safety, security and stewardship.

**Federal Workforce:** The Coast Guard consists of over 42,000 active duty personnel, 8,000 reservists, 8,800 civilian employees, and 32,000 auxiliary volunteers.

#### *Shutdown Impact:*

- **Employees Furloughed:** All uniformed, active duty Coast Guard military personnel are reporting for duty. During the first week of the shutdown, 6,263 civilian personnel were furloughed. However, the Pay Our Military Act has allowed 5,788 of these employees to return to work as of Monday, October 7.<sup>28</sup>
- **Contracting Impact:** The Coast Guard's Acquisition Directorate is responsible for an approximately \$30 billion investment portfolio used to recapitalize the Service's aging cutters, boats, and aircraft; procure command, control, communication, computers, intelligence, surveillance, and reconnaissance systems; and acquire personnel and facilities provisions and other logistics. The Coast Guard contracts with a wide variety of industries, such as shipbuilders, telecommunications companies, and facilities servicers, in order to provide for and sustain mission readiness in the field.

Most of the procurement and contracting work to maintain and repair the Service's aging surface and air assets and facilities has been either been curtailed or suspended since the shutdown. For example, allocation of supplemental appropriations the Coast Guard received under the Disaster Relief Appropriations Act, 2013<sup>29</sup> to repair facilities and infrastructure damaged by Hurricane Sandy has ceased, impacting multimillion dollar contracts slated to be awarded in October for building (valued at \$2 million) and seawall repairs (valued at \$9 million). This supplemental funding must be allocated for these needed projects during FY 2014, or else it will be returned to the Treasury.

There are numerous other multimillion projects that would be affected due to the "trickle down" delay caused by the shutdown. Should the shutdown continue and FY 2014 appropriations not be provided, a number of mission-critical surface asset recapitalization efforts would be delayed, including three design contracts for the new offshore patrol cutter (valued at \$25 million), needed to replace the 40 to 50-year old, 210-foot and 270-foot medium endurance cutters;

<sup>25</sup> *I-5 Bridge Collapse Over Skagit River in Washing Sends Cars, People into the Water*, ABC News (May 23, 2013).

<sup>26</sup> *NTSB Lists Agenda for Hearings on Connecticut Metro-North Crashes*, New Haven Register (Sept. 20, 2013).

<sup>27</sup> *Texas Parade Honoring War Heroes Ends in Tragedy*, Associated Press (Nov. 16, 2012).

<sup>28</sup> Pay our Military Act, Pub. L. No. 113-39 (Sep. 30, 2013).

<sup>29</sup> Disaster Relief Appropriations Act, Pub. L. No. 113-2 (Jan. 29, 2013).

contracts for construction of fast response cutters (valued at \$75 million), needed to replace the 30-year-old 110-foot patrol boats; and completion of the seventh of eight national security cutters (valued at \$615 million), needed to replace the 45-year-old 378-foot high endurance cutters. With a continued shutdown, assets currently under construction and newly-acquired are likely to suffer reduced quality assurance checks, increasing the probability that any defects will be detected much later, and therefore, future repair costs.

- *Other Impacts:*

- Although the Coast Guard has indicated essential Service activities are “uninterrupted,” Coast Guard services and activities that have been curtailed include:
- 50 percent reduction in surface and air support to Joint Interagency Task Force-South, which focuses on drug and migrant interdiction in the Gulf of Mexico and the Caribbean;
- 25 percent reduction in surface and air support for general migrant interdiction operations; and
- 35 percent reduction in surface and air support hours for the Living Marine Resource mission, which involves international and domestic fishery patrols as well as other at-sea enforcement.

#### United States Merchant Marine Academy



The Maritime Administration within the Department of Transportation is responsible for the promotion and viability of the U.S. merchant marine, including oversight of the U.S. Merchant Marine Academy (USMMA) in Kings Point, NY.

USMMA is a federal service academy that educates and graduates licensed merchant marine officers to serve America's marine transportation and defense needs. The Academy's four-year program provides each midshipman with the broad college education required for a Bachelor of Science degree, with the specialized training for licensing as a merchant marine officer and with the military knowledge for commissioning in a reserve component of the Armed Forces. As part of their education, midshipmen are sent to sea during their sophomore and junior years for practical shipboard training. Midshipmen are assigned to a variety of U.S.-flag merchant vessels to sail the trade routes of the world, putting their classroom knowledge to the test in a real-life environment while getting to visit an average of 18 foreign countries. Approximately 1,000 students attend USMMA.

*Federal Workforce:* The USMMA employs approximately 275 people, including 80 faculty members.

*Shutdown Impact:*

- *Employees Furloughed:* Almost all of USMMA's faculty and staff are civilians subject to shutdown furloughs.
- *Other Impacts:*
  - All professors and most staff at the USMMA have been furloughed. Starting on October 15, the Academy anticipates it will have to shut down entirely and send students home.<sup>30</sup>
  - Parents have raised concerns that the shutdown could delay the student's training and careers, because of the compact scheduling and training requirements at USMMA.<sup>31</sup>
  - According to USMMA, it costs more than \$220,000 per day in operational costs for every missed day of school that needs to be made up.

#### United States Travel and Tourism Industry

Travel is a strong driver of the Nation's economy. The U.S. Travel Association estimates that the sector generates \$2.0 trillion in economic output, ranks among the top ten private employers in the country (supporting 14.6 million American jobs),

<sup>30</sup> USMMA.edu, *Questions and Answers on the USMMA Schedule*.

<sup>31</sup> *Shutdown Sidelines U.S. Merchant Marine Academy Cadets*, CNN.com (Oct. 6, 2013).

and contributes more than \$129 billion in tax revenues each year.<sup>32</sup> The largest sub-sectors of the travel and tourism industry are food services, air travel, accommodations, and recreation and attractions.<sup>33</sup>

*Shutdown Impact:* As stated by President and CEO of the U.S. Travel Association Roger Dow one day before the shutdown, “The closure of national parks and Federal historic sites to millions of travelers—coupled with the general perception of an uncertain travel process—would do serious and immediate harm to the economy.”<sup>34</sup>

- *Closure of Federally Run Parks and Attractions.* Federal parks, national monuments, battlefields, and other attractions run by the National Park Service have closed due to the shutdown, potentially affecting the travel plans of millions. All 19 museums and galleries run by the Smithsonian Institution—as well as the National Zoo—have been shuttered. When in operation, the Smithsonian welcomes hundreds of thousands of visitors per week. In addition, National Marine Sanctuaries that attract pleasure boating activities, including the Monterey Bay National Marine Sanctuary<sup>35</sup> and the Thunder Bay National Marine Sanctuary<sup>36</sup> all have been closed due to the shutdown.
  - *Federal Workforce:* Over 21,000 members of the National Park Service staff have been furloughed. Hundreds of staff for Marine Sanctuary sites also have been furloughed.
  - *Other Impacts:*
    - The communities that surround National Park Service sites may lose as much as \$30 million and 750,000 visitors per day.<sup>37</sup> Hundreds of local communities that benefit from tourism to federally protected areas will be affected, in every state in the Nation.
    - Small business owners that operate private tours of federally protected areas, or operate restaurants and cafés based near these sites are all losing significant revenue. One ferry company servicing the Statue of Liberty and Alcatraz expects to lose \$2 million in revenue and will be forced to lay off 200 employees.<sup>38</sup>
    - Planned student and class activities to Federal sites have been indefinitely suspended.<sup>39</sup>
    - Weddings scheduled to be held at various sites on the National Mall in October have been forced to be relocated.<sup>40</sup>
- *International Travel Impact:* International travel companies are advising clients not to travel to the United States in October, citing the government shutdown

<sup>32</sup> U.S. Travel Association, *The Power of Travel Promotion: Spurring Growth, Creating Jobs*, at 7, 9 (2013) (online at [http://www.ustravel.org/sites/default/files/page/2011/08/e\\_Power\\_Travel\\_Promotion1.pdf](http://www.ustravel.org/sites/default/files/page/2011/08/e_Power_Travel_Promotion1.pdf)).

<sup>33</sup> U.S. Department of Commerce, Select USA, *The Travel, Tourism and Hospitality Industry in the United States* (online at <http://selectusa.commerce.gov/industry-snapshots/travel-tourism-and-hospitalityindustry-united-states>).

<sup>34</sup> U.S. Travel Association, Press Release, *U.S. Travel Community Warns Against Federal Shutdown* (Sept. 30, 2013) (online at <http://www.ustravel.org/news/press-releases/us-travel-community-warnsagainst-federal-shutdown>).

<sup>35</sup> See [montereybay.noaa.gov](http://montereybay.noaa.gov).

<sup>36</sup> See [flowergarden.noaa.gov/visiting/visit.html](http://flowergarden.noaa.gov/visiting/visit.html).

<sup>37</sup> National Parks Conservation Association, *Government Shutdown Closes National Parks* (updated Oct. 10, 2013) (online at <http://www.npca.org/protecting-our-parks/park-funding/park-funding.html>).

<sup>38</sup> U.S. Travel Association, *Impact of the Shutdown: Tales from the Frontline* (online at <http://www.ustravel.org/government-affairs/domestic-policy-issues/impact-of-the-shutdown>).

<sup>39</sup> See e.g., *D.C. Tourism Officials Worry that Shutdown Will Drive Visitors Away*, WAMU 88.5 News (Oct. 3, 2013) (online at [http://wamu.org/news/13/10/03/dc\\_tourism\\_officials\\_worry\\_that\\_shutdown\\_will\\_drive\\_visitors\\_away](http://wamu.org/news/13/10/03/dc_tourism_officials_worry_that_shutdown_will_drive_visitors_away)); *Student Groups Feel Shutdown, The Daily Tar Heel* (updated Oct. 9, 2013) (online at <http://www.dailytarheel.com/article/2013/10/student-groups-feel-shutdown>); *Shutdown upends class trips by central Ohio Schools*, The Columbus Dispatch (Oct. 2, 2013) (online at [http://www.dispatch.com/content/stories/local/2013/10/01/Shutdown\\_forces\\_schools\\_to\\_alter\\_DC\\_trip\\_itineraries.html](http://www.dispatch.com/content/stories/local/2013/10/01/Shutdown_forces_schools_to_alter_DC_trip_itineraries.html)); *Shutdown hits Nampa High students' trip*, Idaho Statesman (Oct. 2, 2013) (online at <http://www.idahostatesman.com/2013/10/02/2795161/shutdown-hits-students-trip.html>); *Shutdown comes at bad time for Modesto-area students' D.C. trip*, The Modesto Bee (Oct. 2, 2013) (online at <http://www.modbee.com/2013/10/02/2954886/shutdown-comes-at-bad-time-for.html>); *Shutdown threatens to dampen students' DC trip*, Fox 4, Dallas-Fort Worth (Oct. 2, 2013) (online at <http://www.myfoxdfw.com/story/23594825/shutdown-threatens-to-dampen-students-dc-trip>).

<sup>40</sup> *Government Shutdown 2013: Weddings canceled on National Mall*, WJLA (Oct. 1, 2013) (online at <http://www.wjla.com/articles/2013/10/government-shutdown-2013-weddings-canceled-on-national-mall94721.html>).

and impact on federal sites.<sup>41</sup> International tourists account for an estimated \$153 billion in travel and tourism revenues for the U.S. economy annually.<sup>42</sup>

*Data on Impact of FY 1996 Shutdown on Tourism and Travel:* Tourism and travel data from the most recent previous government shutdown in FY 1996 underscores the tremendous disruption that government shutdowns pose to the U.S. travel and tourism industry.

- The Congressional Research Service estimated that 7 million tourists were turned away from America's then-368 National Park sites due to the last government shutdown in FY 1996, and an additional 2 million visitors were turned away from national museums and monuments.
- The FY 1996 shutdown resulted in millions of dollars in lost revenue for the U.S. travel and tourism industry. Mount Rushmore National Memorial in South Dakota estimates that the first week of closure during the government shutdown affected 49,000 people who would have otherwise visited, costing \$247,095 in lost sales, and putting 38 employees on furlough.
- Further, approximately 20,000–30,000 foreigners' visa applications were left unprocessed each day, and a total of 200,000 U.S. passport applications were left in limbo.<sup>43</sup>

The CHAIRMAN. Thank you.

I now call on Senator Wicker, who doesn't look like Senator Thune, but is Senator Thune, for an opening statement, and then we'll go to questions.

**STATEMENT OF HON. ROGER F. WICKER,  
U.S. SENATOR FROM MISSISSIPPI**

Senator WICKER. Let me say on behalf of Senator Thune that, because of the unprecedented blizzard in South Dakota, he felt that he needed to get back to his state. When he heard about this hearing, he tried to make travel arrangements to get back, but he has been unable to do so. So I'm sure he would like to have been here, and we wish him a speedy return and wish the people of South Dakota the best during this disaster.

Also, as most members know and most of the public is aware, Republican members of the Senate have been meeting in the White House with President Obama and Vice President Biden for the last 2 hours or more. The meeting lasted longer than people expected and I guess that's a good thing because we were talking about this very subject. So that's the reason that as Ranking Member for this hearing I am late, and I apologize for that. But thank you, Chairman Rockefeller, for your courtesy which you've always shown to me and members on this side.

No one is happy about the current shutdown.

The CHAIRMAN. Senator Wicker, I just wanted to say, I said the things that you said, but I also pointed out with respect to Senator Thune that 50 percent of all of the cattle of South Dakota are dead and buried. Well, they're under the snow. And that is a catastrophe, economic catastrophe. And I pointed out they're not North Dakota, they don't produce oil. They do cattle, agriculture. So that even his trying to get back here I think is a wonderful thing and I'm proud that you're taking his position.

<sup>41</sup> U.S. Travel Association, *Impact of the Shutdown: Tales from the Frontline* (online at <http://www.ustravel.org/government-affairs/domestic-policy-issues/impact-of-the-shutdown>).

<sup>42</sup> U.S. Department of Commerce, *Select USA*, *supra* note 32.

<sup>43</sup> *Government Shutdown 2013 by the Numbers: How It's Affecting The Travel Industry*, International Business Times (Oct. 4, 2013) (online at <http://www.ibtimes.com/government-shutdown-2013-numbershow-its-affecting-travel-industry-1414756>).

Senator WICKER. Well, thank you for saying that, and it is a tragedy and a catastrophe to be sure.

As I said, no one is happy about the current shutdown, nor about any of the shutdowns that have occurred over time. During the Clinton Administration shutdowns cost \$1.4 billion, furloughed hundreds of thousands of Americans, and sharply slowed economic growth. This shutdown is likely to be no different, and I think we all hope it ends very soon. The new economic report shows that even a 2-week shutdown would reduce gross domestic product in the fourth quarter by .3 percent.

The disagreement arises not over whether the government should be reopened, but rather how we address our country's skyrocketing debt. Achieving reform in a divided government is often difficult, requiring tough decisions and requiring leadership by both political parties. The example set by President Reagan and House Speaker Tip O'Neil three decades ago is still relevant today. Despite vast political differences, the two leaders found common ground by putting the best interests of the country first while still adhering to their long-held principles.

In order to end this shutdown, both sides must work together. Both sides can agree there are policies and laws in place today that we would like to see changed. It's my hope that if both sides give a little both sides will be able to walk away from the negotiating table with something of which they can be proud and we can all be proud.

But first, Mr. Chairman, both sides must be willing to sit down at the table and negotiate. Based on news reports and encouraging signs out there in the public, perhaps we are indeed getting closer to a negotiating process.

Regrettably, this is a catastrophe of our own creation and the status quo needs to change. For too long we have governed crisis to crisis. For the last several years, the Senate has failed to consider appropriations bills under the regular order, instead relying on multiple continuing resolutions or omnibus spending bills to keep government running. A continuing resolution should be a measure of last resort, not taken up lightly for the sake of political expediency. It is not a substitute for a comprehensive and open budget process that could help achieve long-term deficit reduction and spur economic growth.

According to a recent article in *Forbes*, in spite of the government shutdown, 87 percent of government expenditures are still occurring. In other words, after payments for entitlements, interest on the national debt, and, quote, "essential personnel and services," only 13 percent of government expenditures remain subject to this partial government shutdown.

No matter how much we cut discretionary spending, it will not be enough to bring our budget deficit or our national debt under control. We must address the main driver of our current financial crisis, namely mandatory entitlement spending. Members of this committee will no doubt agree with today's witnesses that this partial government shutdown is having a negative impact. Beyond that, perhaps we can draw on the experiences of our witnesses in balancing the budgets of their respective organizations, lessons we can heed in getting America on a sustainable fiscal path.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Wicker.

Debby Hersman, we had a pipeline explosion in West Virginia and I remember you and a phalanx of people with you coming down and spending a number of days trying to figure out the layers of pipelines, things which had been pipelined 50 years ago which weren't on any maps. But the explosion was absolutely devastating, and you were just, you were obsessed by it, you were absorbed by it, and you spent a lot of time on it. You flew down.

I'm not trying to praise you. I'm just trying to say what you have to do in order to surmise what the crisis is and how it can be handled.

You've mentioned other accidents, Tennessee, et cetera, Minnesota. But can you give us some things that have come across your desk that just flat-out frustrates you because there's nothing you can do about it? And if you have so few people left actually on the job, they may not even be the people that you need when you go to a pipeline explosion or some other kind of explosion. They may keep the office running or something. Could you just talk to us about that?

Ms. HERSMAN. Sure. I think there are certainly the near-term issues of the accidents that we're not taking that we're not picking up. But there are also the longer term issues of all of the accidents that we've put on hold. Your pipeline accident in Sissonville is one of those. We were working very hard to get that completed before the one year anniversary, as many other members have accidents that we're working hard to get completed.

It is choreographed to try to slot in all of this work. The investigators are handling multiple investigations at the same time and they work very hard to get that work done, to improve the safety of the traveling public.

For the years that we've been around, the NTSB has improved the safety of the traveling public. But as far as risks are concerned, if we don't go we don't know. So we don't know what some of those risks are that are not being uncovered if we don't launch on those accidents.

I'll tell you, one of the most frustrating things for me watching what's happened over the last 10 days is I have a workforce is I have a workforce that wants to get back to work. They work at the NTSB because they believe what they do makes a difference and they improve transportation safety, and they're calling, wanting to know if they can go. As a leader, that's one of the most difficult things to say to your employees who are committed to the jobs that they do, to tell them that they can't do their job, and that doesn't make any sense.

The CHAIRMAN. I thank you.

I want to go for one question to Mr. Leshner. I've got to find you, Mr. Leshner.

[Pause.]

The CHAIRMAN. Well, I won't for the moment.

Rachel, can I go to you again, because you were just clearly focused and you see all the bottom feeding that other people don't. You see all the human tragedy. We used to spend a lot of time on this committee on trying to protect children, all the way from what

they see on television, their privacy, those kinds of things. So children, just take children and the Consumer Product Safety Commission, toys, things of that sort. Bring them alive for the Committee of what is not going to happen that's good or what is bad because of the shutdown.

Ms. WEINTRAUB. Sure. Of course, children—some of the things beyond this committee's jurisdiction are having huge detrimental impacts, especially for low-income children. But in terms of the Consumer Product Safety, there are currently 23 people working at the Commission. There is so much work that gets done every day that they can't do.

There are no inspectors at the ports. Especially at this time, which is before the holiday season, it is so important to have CPSC inspectors, who now have renewed authority and renewed resources as a result of this committee, to be at the port, to evaluate whether the products pose choking hazards, whether they contain excessive levels of lead, whether they pose strangulation risk. Those import inspectors are unable to be at ports and do that work.

In terms of recalls, only recalls that meet the high bar of an imminent threat to the public or to protect the property of the government are being conducted. We don't know what information we're not finding out.

On the [saferproducts.gov](http://saferproducts.gov) website, consumers are able to report information, but it's not being updated. So there may be incidents that even the CPSC doesn't know about, that the public certainly doesn't, and they will not find out about those incidents that could affect the safety of their children because the information is not being updated.

The CHAIRMAN. I thank you.

In order of appearance, we now go to Senator Wicker if you want to ask a question, then Senator Warner, Nelson, Schatz, Begich, Heinrich, Cantwell. I don't want to depress anybody, but at least you're coming up quickly.

Senator WICKER. Thank you, Mr. Chairman.

Well, I think the testimony has been very compelling concerning the negative aspects of this government shutdown. Let me say, Captain Colburn, this is your livelihood, a family run business. This is the way you put groceries on the table and feed your families. You are calling on—in your testimony, you're asking the Secretary of Commerce to direct NOAA employees to fulfil the task that you've already paid to do.

You pay this with management—you pay these management costs through the cost recovery program, is that correct?

Mr. COLBURN. That is correct.

Senator WICKER. How much do you pay, Captain?

Mr. COLBURN. It's a small percentage of our catch, but I don't know. Over the last 7 years, I think it's running in the millions of dollars for management.

Senator WICKER. It may interest the Committee to know that there are three House members—no, there are three Members of Congress, two from the House and one from the Senate, that agree with your position that the Secretary has the authority to direct NOAA to resume these activities.



I hold in my hand a letter signed by Senator Lisa Murkowski, also by Congressman Don Young and Chairman Doc Hastings of the State of Washington. He's Chairman of the Committee on Natural Resources. This is a letter that I'm going to ask to be included in the record at this point, Mr. Chairman.

The CHAIRMAN. So be it.

[The information referred to follows:]

CONGRESS OF THE UNITED STATES  
Washington, DC, October 9, 2013

Hon. PENNY PRITZKER,  
Secretary,  
U.S. Department of Commerce,  
Washington, DC.

Dear Secretary Pritzker:

We are writing to urge you to use your authority consistent with the Antideficiency Act<sup>1</sup> to responsibly manage the 2013 Bering Sea and Aleutian Islands crab fisheries. We are aware that other Federal agencies have utilized available balances from prior years to continue essential operations and we believe that such flexibility should be applied in the instant case where fishermen are fully paying for the costs of managing these fisheries. Delays in opening the Bristol Bay red king crab fishery may result in significant economic harm to fishermen and processors who are required by statute and regulation to fully reimburse your agency for the administration of the allocation of this public resource.

The Alaska Department of Fish & Game has set the harvest limits (Total Allowable Catch, or TAC) for the Bristol Bay red king crab fishery and is prepared to open the fishery on its scheduled date of October 15. The next step is for the National Oceanic and Atmospheric Administration (NOAA) to issue Individual Fishing Quota shares (IFQ) to the crab fishermen, and Individual Process Quota shares (IPQ) for the processors, so the fishery can be properly managed within its harvest limits. This process is simple: apply the TAC to the existing database of IFQ and IPQ shareholders, to produce the harvest levels for the fishermen.

The Antideficiency Act allows Federal agencies to except activities that are necessary to protect life or property, and we believe that authority extends to the management of a public resource where the users have paid fees that entirely cover the management of such resource. As administered by your Department through NOAA, the Bering Sea and Aleutian Islands Crab Rationalization Program includes a Cost Recovery Program that fully covers the management of the covered crab fisheries. On August 1, 2013, NOAA published its "Notification of fee percentage" for the Program, and included the following statement:

"The Program includes a cost recovery provision to collect fees to recover actual costs directly related to the management, data collection, and enforcement of the Program."<sup>2</sup>

This provision is supported by the underlying regulation<sup>3</sup> and statutory authority of the Magnuson-Stevens Fishery Conservation and Management Act.<sup>4</sup> As finalized and published by NOAA, the 2013/2014 Cost Recovery Program set a rate of 0.69 percent for the cost recovery fee based on projected harvest and market expectations for an opening of this fishery on October 15.

We believe you have adequate authority to proceed with the issuance of IFQ and IPQ shares for the BSAI crab fisheries and ask that you direct NOAA to begin this process immediately to ensure that the Bristol Bay red king crab fishery is opened on October 15. The timing of this opening will ensure proper management of this

<sup>1</sup> 31 U.S.C. 1341, *et seq.*

<sup>2</sup> Notification of fees, 78 Fed. Reg. 46577 (August 1, 2013).

<sup>3</sup> 50 C.F.R. § 680.44.

<sup>4</sup> 16 U.S.C. 1862, *et seq.* (see 16 U.S.C. sections 304(4)(2)(A) and 313(j)).

public resource, and the ability of crab fishermen and processors to pay the full cost for the administration of this program.

Sincerely,

Lisa Murkowski,  
*United States Senator.*

Don Young,  
*Congressman for All Alaska.*

Doc Hastings,  
*Chairman,*  
Committee on Natural Resources.

Senator WICKER. This letter to Secretary Penny Pritzker takes the exact same position that you have taken, that she has the authority under existing law to resume these activities, to get you back to work. So I would simply say that I agree with you [Captain Colburn] and with your written and oral testimony that the Secretary has the authority to do this and should do it.

Now let me then move on to Ms. Blakey. This is really a comment to all of you. I alluded to this in my opening statement. It seems that we have a new normal in the way we do our budget. We haven't had a budget for four cycles now. The Appropriations Committees, House and Senate have different numbers to work with, so we don't get our appropriations bills done.

From our standpoint, those on my side of the aisle feel that we don't get amendments and therefore it takes so much longer to reach unanimous consent agreements to bring these appropriation bills to the floor, and so we don't appropriate money under regular order. When I was first here as a member of the House of Representatives, the Senate passed their appropriations bills, the House passed their appropriation bills. We didn't get them all done, but we had them passed and we were in conference, and by and large at least we got half of them done or a good bit of the budget.

So I just would—I would ask you, Ms. Blakey. You mentioned predictability and you alluded to this in your written statement. Wouldn't you agree that if we got back to the basic process of budgeting and the regular appropriation process this would be helpful to your agency, to the agencies that your organization works with, in having predictability?

Ms. BLAKEY. Absolutely. As you know, Senator Wicker, I actually had the privilege of working with you, Senator Rockefeller, and so many others on this committee in crafting a viable budget for several of the agencies we work closely with now. Both the FAA and the NTSB are the two examples I'm thinking of.

But it was vital to come to terms with proposing a budget, understanding the views of both House and Senate. Then you came together on a budget that had both predictability and clear guidance. We understood the priorities that made sense from the standpoint of Congressional concerns and were able to throughout the year act on that.

That's a very important thing because it gives clarity in government. I think it gives a clear understanding of what the taxpayers themselves, your constituents, view as being the priorities. And that was the way we used to do business.

I certainly now, looking at it from the outside, working with these agencies, would give anything if we could move back to the point where we really actually had appropriations bills passed year after year.

Senator WICKER. Thank you very much.

Thank you, Mr. Chairman.  
 The CHAIRMAN. Thank you, Senator Wicker.  
 Senator Warner.

**STATEMENT OF HON. MARK WARNER,  
 U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Thank you, Mr. Chairman.

I agree we need to deal with our fiscal issues on both sides. I would simply remind our colleague that the Senate passed a budget this spring and has asked 21 times to go to conference, 21 times to go to conference, to have a budget in place.

I've got to tell you, I really respect your testimony and your restraint, because if you're not mad as hell then I don't think you're appropriately expressing at least the way I feel and a whole lot of folks around the country feel.

I won't say the company: I got called two nights ago by a major company in Virginia. The gentleman built this company over 25 years, 5,500 employees, does a lot of government contracting. Thirty percent of those employees have been laid off as nonessential. The 70 percent that have been essential still aren't getting paid because the processors of the checks aren't in place. Twenty-five years of work that this company has built could go down the drain in a couple weeks because they'll go bankrupt if they don't get their payments.

I would add the issue for the record as well in terms of short-term effects of this idiocy, to that of default, shutdowns, not majority, not minority, just short-term interest rates in the last few days, what that is doing to every business in America because of the irresponsible actions that are taking place.

I would also say one of the incredible ironies is the House has passed and I know the Senate, in whatever final agreement will pass, that our Federal workers will get compensated. If we continue this, Captain Colburn isn't going to get compensated. Your companies aren't going to get compensated. This company isn't going to get fully compensated. The motel owner on Skyline Drive isn't going to get compensated.

The remarkable thing is and the business frustration, as somebody who's been a business guy longer than I've been in this job, is that we are going to cost the taxpayer more money, because we're going to pay the Federal employees, but the starting and stopping. The complete lack of business sense from those who say you can start and stop an enterprise and that doesn't cost more is so divorced from economic reality it is stunning.

We've seen some good signs recently that some may be willing to say, well, maybe America shouldn't default next week. Somehow that's greeted as progress. But what I don't understand is we're going to enter into the negotiations that I think are appropriate, absolutely. Why in the heck would any rational person say and answer Captain Colburn or answer Marion's companies, why we should keep the government shut down while we negotiate?

Anyone that suggests, that selects one off as we read about a tragedy in the press, whether it's around the parks or around our vets or around death benefits, say we've got to read about a tragedy before, oh, oh, let's reopen that park—do we have to wait for

some child to die because the drug wasn't inspected to reopen the FDA, or because somebody got bad flu to reopen USDA, or, God forbid, we've read about that tragedy in Tennessee last week, something else happens and could you get your inspectors out?

That is not a responsible way to operate an enterprise like the U.S. Government. I mean, it is beyond the pale of comprehension that anyone would say: Keep this government shut down because it might give us a little more leverage, operate on a one-off basis because when we see something in a tragedy then maybe we'll say, well, that part ought to be reopened.

I would ask any who want to keep the government shut, tell us what parts of the government you want to keep shut. Lay out those items. That ought to—let the American people know what's not an essential. If they're not essential, maybe they should be permanently defunded. But don't do this on a one-off basis.

These are just the short-term implications. I'm not going to get to a question, but, Dr. Leshner, you know, we've all heard the phrase "Intel Inside." I think what we are doing right now is creating a cancer inside of our enterprise. What's happening at NSF, what young scientist would join or want to apply to go into this field if you don't have any predictability?

The rest of the world's not waiting on America to get its act together. They haven't stopped their research. They haven't stopped their innovation while we do this.

I would say we're going to have to do more with less. Again, I've been a business guy longer than I've been in this business, but as a business guy who has led large enterprises, you don't degrade your workforce and drive down their morale when the future means you're going to have to do more with less resources. That is bad business.

I know this is outside the purview of the Commerce Committee, but the Commerce Committee is enterprise. It's about the business enterprise. That is bad business for our country.

I guess I would only ask that those who say let's one off, let's keep the government shut down while we negotiate ad nauseam: Come tell that to Captain Colburn, come tell that to Marion Blakey's companies, come tell that to this 5,500-person company in Virginia that's going to get potentially in bankruptcy in 2 weeks.

So I appreciate the restraint of the panel, but an awful lot of folks in my State and an awful lot of folks around the country aren't showing that restraint, and maybe a little more anger might be warranted at this point.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Warner.  
Senator Nelson.

**STATEMENT OF HON. BILL NELSON,  
U.S. SENATOR FROM FLORIDA**

Senator NELSON. Well, Senator Warner, in the case of some of the companies affected I don't appreciate the restraint of the companies, because the restraint of the companies is not putting the real life in front of the small group in the House of Representatives that is causing this shutdown.

And let's go back and remember, this shutdown is not about deficits now. This shutdown was about defunding Obamacare. Let's remember how this thing started. We have seen in living technicolor here today examples all the way from transportation safety to consumer safety and down the list, and the Captain is losing catch not only by the passage of days, but by foreign predators coming in and taking his catch, as is the case of the loss of catches along the coast of the entire United States. Look at the science projects that are not getting done.

Ms. Blakey, I agree with everything that you said. But when I have talked to your CEOs and have asked them have they gone and talked to the Members of Congress who are causing the shutdown, they haven't. Maria Cantwell's company can't deliver Boeings because of the shutdown.

You represent a most eminent trade association, aerospace and defense. Ms. Blakey, have you gone and sat down to those members that are voting for this shutdown and explained what is happening in their districts?

Ms. BLAKEY. The short answer is yes. And I would also point out not just myself as a trade association executive, but we've had small businesses up here. We in fact had a delegation who spent time with the leadership of both House and Senate and literally talking about the effects of this very, very recently.

I can't, of course, account for every one of our CEOs' appointments up here on a daily basis, but I can also testify that they are spending a great deal of time making certain that people understand that there are both commercial effects—something that we haven't touched on as much so far in the Committee discussion today, but there are competitiveness issues out here. We compete in a global economy in aerospace and the fact of the matter is that we will very quickly lose credibility, lose standing, lose market share. This is something that is absolutely critical.

So, yes, we are up here pointing this out. I will also tell you, I'm looking forward to a 5 o'clock discussion over at the White House today, that the White House has called with us to continue to discuss all of this. So it's a vital dialogue and I couldn't agree with you more, Senator Nelson, that it has to be with everyone that has a role to play in this.

Senator NELSON. You do not have to convince the White House. I'm glad the President has called you, and I assume that one of the things that the President will do is to try to enlist your support to get your executives of these companies—and it's true the companies have—as a result of them, in this shutdown, so many of the people that are being hurt the worst are not the big companies, although their employees that are furloughed are certainly being hurt, but it's those ancillary small companies that live more day to day, paycheck to paycheck, payroll to payroll, that are getting hurt.

I want to encourage you. I met with two of your CEOs last week and they were not ready to step up and go talk to the leadership in the House of Representatives that were allowing this shutdown to continue. When I said, well, do you think that default is going to have some consequence on your companies, they said: Oh, no, no, no; we'll get activated with regard to the default. Well, default

is in another half a week. It's been a week and a half that we've been in shutdown.

So I would implore you all to activate your people. Now, where—where are the people that are so affected at the Johnson Space Center in Houston? When are they going to the Congressional delegation and talking to them? I could go through the NASA centers. Everything that you've said I agree with, Ms. Blakey, but you need to put a fire under your executives.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Nelson.  
Senator Schatz.

**STATEMENT OF HON. BRIAN SCHATZ,  
U.S. SENATOR FROM HAWAII**

Senator SCHATZ. Thank you, Chairman.

I want to thank all of the testifiers and just express our gratitude on behalf of the Committee for your public service. I know it's difficult to run an enterprise and it's certainly difficult to be in public service in any situation, but under the sequester we know it has been terribly difficult and this is just beyond the pale in a lot of ways. As difficult as it is for folks to be at home, it's very, very challenging for you to be there and not be able to bring your folks back. So we just want to thank you on behalf of the Committee.

My first question is for Dr. Leshner. I'm concerned—and I think this may be one of the things that Mark Warner has been talking about over a number of weeks and actually years, that is remaining competitive with respect to the next generation of scientists. So I'd like you to offer us some insight with respect to the personal, economic, and professional decisionmaking that a young, promising scientist may be having to go through over the next couple of weeks and months with respect to literally what they do for a living and how that may impact our position with respect to science.

Dr. LESHNER. Well, Senator Warner made the point very well, that we are already in a position where we're losing our very eminence in science and therefore our ability to attract the best and brightest to join America's scientific community is getting harder and harder. So as our competitors in Europe and China, where they're investing more and more, the foreign scientists who came here to work and study are either staying where they are or going to other places. They're seeing the tremendous stress on the American scientific enterprise.

Just a statistic to be horrifying. The average age for a first grant at the National Science Foundation now is 37. When I got my Ph.D. I was able to get my first grant at 25. That means that you can't start an independent scientific career in the United States for 12 years longer than I was able to do it.

Those kinds of statistics are a direct result of the difficulty that people are having in getting grants. So if we want to build for the future, if we want to have a scientific enterprise that's the envy of all others in the world, we're going to have to address these kinds of problems directly.

Senator SCHATZ. Thank you very much.

Ms. Blakey, I have a question with respect to the airline certification function. Hawaiian Airlines is waiting on its certification so it can provide service to Molokai and Lanai, which is terribly unreliable and overly expensive service. It was delayed as a result of the sequester. I'd like for you to flesh out exactly how the certification function was disabled under the sequester and what kinds of impacts it's having, not just in Hawaii but on rural communities in general?

Ms. BLAKEY. Well, one of the difficulties, of course, that the FAA is struggling with is the fact that their first responsibility is the operational safety of the existing fleet and maintaining that for passengers around the country. So there has had to be some trade-off between new activities, desired new routing, and what is actually possible to do with the cutbacks under the sequester and of course now with the shutdown.

Now with the shutdown, you're talking about, out of 1,200 certification personnel, only 200 are functioning right now. Obviously, that doesn't go very far. I don't know the specifics—

Senator SCHATZ. What was the backlog before? Under sequester, do you know what the backlog was before we got to this shutdown?

Ms. BLAKEY. I don't, but it's significant. I can tell you that. I can certainly look into and see if I can be more helpful on the specifics on the Hawaiian example.

But I can also tell you that there is another aspect of this having to do with the licensing and registry of aircraft, because you can't transfer an aircraft unless in fact you can register it and the registry is shut down now. So there was a 36-day backlog before this began and that was with everybody pedaling very hard, working hard. Now there's no one even opening the mail.

Every month 10,000 aircraft have to be registered or re-registered. So you can start doing the math on this and see where it goes. It's a very, very, very concerning situation.

Senator SCHATZ. Thank you very much.

The CHAIRMAN. Thank you, Senator.

Senator Begich.

#### **STATEMENT OF HON. MARK BEGICH, U.S. SENATOR FROM ALASKA**

Senator BEGICH. Mr. Chairman, thank you very much for putting this meeting together.

Thanks to all of you for being here. You probably get the sense of a little frustration by all of us here. I know there are both Democrats and Republicans sitting at this table, and you're probably as frustrated as we are: Why are we even here?

I mean, I know for you, Captain Keith, you don't want to be on solid ground. You want to be on wavy waters right now. This is unusual, for you to be on solid ground in October, and for you to be here is somewhat amazing.

But I want to say one thing, Mr. Chairman, and I have some questions for some folks here. You know, we cannot recreate history here. I hear this word over and over again: we need to get on with negotiations on our budget. We did that. We did that starting in July on the Continuing Resolution. As a matter of fact, the Democrats had a number in the Senate and the Republicans in the

House had a number, and when all done and said we agreed with their number, a \$70 billion cut to this year's next budget. We agreed with it. We didn't get anything. We agreed with it.

So I know there's sometimes revisionist history around this place and amnesia that sets in with some people. So when people say we need to negotiate, we have. Now they want another one. Fine, pick the issue. But we need to open the government up, for all the reasons the Captain laid out in his testimony.

We had a meeting before he came over here and it's appalling to me to sit here and have you sitting here, because you should be back there fishing, taking care of your families. But you're here, stuck in a dysfunctional Congress.

For people to say we can't get appropriation bills, I'm missing the picture here, or budget bill. Like you brought up, Senator Warner, the budget passed the Senate. The budget passed the House. Now, yes, there are going to be different numbers because that's the process. Then you go to conference committee, which we have tried 21 times to get an agreement to go to conference, 21 times.

No one on our side has a problem with it. I'm happy to take whatever amendments they want to throw up and deal with them. But for whatever reason, we can't do it.

So let's not have revisionist history in this body any more. I get it.

Now, for all of you that are here, for the Captain my question is very simple. You talked about your impact, but your impact is broader on two parts. I enjoyed, Marion, your comments, too, because you and the Captain are very similar. If we fail to produce, market share goes to someone else. They're not waiting around. They're actually looking at us to fail around the world. Russia is looking. They would love to get all our crab business from Japan. They'd love it because it's worth hundreds of millions of dollars over time.

So your impact, Captain, is not just you, but it's multifaceted; is that fair to say?

Mr. COLBURN. Absolutely that's fair to say. I'd like to start, though, by mentioning Mr. Wicker's statement earlier, and I want to thank both the House and the Senate for recognizing that my fishery is fee-based. Apparently maybe I'm making a difference by showing up here today. I'd like to thank Congressman Young and Senator Murkowski and also everybody that's sitting here for putting a band-aid on the fisheries. I really appreciate that.

But it doesn't—are we going to get another band-aid for allocations? Are we going to get another band-aid down the road for the observer program? At some point you're going to run out of band-aids, and at some point you're going to need a tourniquet.

I mean, I said in my statement to begin with I'm here on behalf of fishermen. I'm here for crabbers, but I'm here for fishermen. I'm here for our markets to be solid, for our economy to be good, for people to be able to buy my crab. I don't want Russian pirated crab to supplant my crab in the marketplace, not only in Japan but domestically.

I mean, to me it's crazy right now. I feel like we're putting the Russians to work and we're putting American fishermen out of work.



So thank you for the question, Senator Begich.

Senator BEGICH. That's a very good summary.

I bet, Marion, you could probably say something similar. You know, we compete around the world with our product in the aviation industry and we're very proud of our product. Because of the work you did prior to what you're doing here and what you're doing now, we have some of the best safety records anywhere. We understand the business.

When it comes to Alaska, there's no other business other than fisheries that we care a lot about like, when you think about it, airlines, because it is our highway in the sky. It moves us from place to place. It ensures that when the Captain needs material he gets it out there, because it's going to come from barge or it's coming from plane. It's that simple.

When you mentioned the satellite issue, there's not—you don't just get to throw up a satellite any time. There's a process. Actually, there's a thing called the orbit. You just don't today say, jeez, we're going to go down to Satellites-R-Us and buy a satellite and throw it up in the air. It doesn't work that way. Is that a fair statement?

Ms. BLAKEY. The commercial satellite industry certainly would echo exactly what you're saying.

Senator BEGICH. So timing is everything. And uncertainty creates not just a few million dollars, but it can be in the hundreds of millions of dollars, as we found with some systems, as you know, in the last go-around they didn't fund and we had to figure out how to fund it. And there was hundreds of millions of dollars cost because you just can't build these things overnight. They take a certain amount of time to launch and meet the right orbit and so forth.

The last thing I'll just say—and I'll include some stuff for the record—it is very frustrating because it seems to the American people and Alaskans this is not complicated; just sit down and get on with the business. I think all of you would say that privately or, as we've all said, we wish you were more outraged. I know you are. You're doing very well here and I appreciate that. But it seems like this would be a simple thing for us to do.

Are we going to have differences? Sure, absolutely. But at the end of the day we've got to solve these problems and not do it on 3-week or 6-week intervals, because it doesn't—like you've just said, Captain, there are only so many band-aids in the box and at some point we're going to put a tourniquet on, and it may not be worth—we may not be able to survive after that. So your comment is actually very clear. Hopefully more people hear it.

But I thank you for being here. It's frustrating to have this meeting, but I thank you all for being here and giving your pitch on what's important about this. But we need your help and we need your voice, and you're doing that, so thank you.

The CHAIRMAN. Thank you, Senator Begich.

Senator Heinrich, to be followed by Senator Cantwell.

**STATEMENT OF HON. MARTIN HEINRICH,  
U.S. SENATOR FROM NEW MEXICO**

Senator HEINRICH. Thank you, Chairman.

I want to thank Senator Begich for the segue to the issue of putting satellites into orbit. We do a lot of work in New Mexico for the rest of the country. But even our private sector entities oftentimes work hand in glove with the public sector, with the Department of Energy, with the Department of Defense.

We literally at Spaceport America in New Mexico just had a launch canceled. That's a window that we have now missed. If you take a moment and look at what this shutdown means for my state—and I know Dr. Leshner's intimately aware of this because of how much science work we do. But we have 32,000 Federal workers out of 2 million residents. Those are just the Federal workers that are directly Federal workers. We have thousands more at Sandia National Laboratories as contractors. We have thousands more at Los Alamos National Laboratories as contractors. We have 2,000 subcontractors at Los Alamos.

One retailer said in the paper recently in Los Alamos: anytime the lab sneezes, we catch a cold. That's true in Albuquerque for Sandia National Labs. And that doesn't even begin to touch on the fact that we have Kirtland Air Force Base, Holloman Air Force Base, Cannon Air Force Base, White Sands Missile Range, NASA, Carlsbad Caverns National Park, dozens of parks and monuments, five national forests that are unstaffed in the middle of hunting season, millions upon millions of Bureau of Land Management acres that currently can't process energy leases, also unstaffed in the middle of hunting season.

So Mr. Chair, I would ask unanimous consent to include an article I have called "New Mexico Amid Shutdown: Economist Warns of Another Recession," and just to make the point that I think Dr. Leshner brought up, that our labs are about to shut down. And if they do shut down, even if the rest of the country doesn't slip into a recession, every day that those labs are closed we get closer to recession in the State of New Mexico.

The CHAIRMAN. It will be included.

[The information referred to follows:]

*The New Mexican* Posted: Wednesday, October 2, 2013 10:00 pm

#### NEW MEXICO AMID SHUTDOWN: ECONOMIST WARNS OF ANOTHER RECESSION

By Bruce Krasnow

A prolonged Federal Government shutdown could have perilous consequences for New Mexico's fragile economy, rippling across multiple industries in a state that relies more than most on Federal spending. At least one economist warns the budget impasse could thrust the state into another recession if it continues past next week.

New Mexico has more than 32,000 Federal workers. And because it's a small state, that number represents 3 percent of the labor force, which is higher than the national average. Likewise, military workers make up 1 percent of the state's workforce, a percentage twice the national average, said Christopher Erickson, associate professor of economics at New Mexico State University.

"This furlough is none to good for our local economy," Erickson said Wednesday, the second day of an impasse between President Barack Obama and the Republican-controlled House over a new fiscal year spending plan.

Look at a map of New Mexico, and it's easy to see the government's footprint: from Los Alamos and Sandia national labs to three national forests and 11 national parks and monuments; from Navajo Nation lands and 19 individual Indian pueblos to the military installations of Holloman, Kirtland, Clovis, White Sands and Cannon.

Even private enterprises such as New Mexico's Spaceport America are often tied to Federal Government operations. The spaceport on Wednesday canceled its

planned launch next week of a private rocket. Journalists who were hoping to watch, as well as payload experts from as far away as Spain, have canceled travel plans to attend the event.

"We had 40 people coming for that launch, and those people now won't be coming," said Christine Anderson, director of Spaceport America near Truth or Consequences.

Erickson said New Mexico already lags the rest of the U.S. in terms of growth, and a long pause in government spending and employment would have a severe impact.

If the shutdown is relatively short, furloughed workers might not go to the grocery store for a few days but will eventually shop and buy groceries, Erickson said.

"But if it goes on for a longer period of time," he said, "and they [workers] have to start dipping into savings and do not have the cash to pay for things, if the shutdown lasts more than two weeks, it might tip New Mexico back into a recession."

Andy Fox, general manager of CB Fox department store, 1735 Central Ave. in Los Alamos, said business owners in the community are holding their breath, hoping Los Alamos National Laboratory can continue to stay open and that employees and subcontractors will be paid.

"Anytime the lab sneezes, we catch cold," Fox said.

His business also is tied to attractions such as Bandelier National Monument, which draws day trippers from around the state, especially during events such as this month's Albuquerque International Balloon Fiesta. Organizers expect some 700,000 people at Balloon Fiesta Park between Saturday and Oct. 13, and the event has an economic impact of \$90 million statewide. "So here we are on Balloon Fiesta weekend," Fox said, "and we usually get a fair number of customers . . . Being that Bandelier is closed, we expect traffic to be down."

Fox said the store doesn't just sell furniture but is a full-service department store with visitors buying everything from candy and outdoor supplies to souvenirs and Los Alamos memorabilia. It has been in his family since 1979, and "the last time they shut down, it was real quiet in the store," he said, referring to the 1995 government shutdown that lasted 22 days.

Already there are concerns that LANL, managed with Federal Government money by a private consortium, will have to start some shutdown activities next week, much like it does during the winter holidays-with security personnel and essential staffers working, and others being sent home. LANL Director Charlie McMillan said last week that there were some carryover funds from the 2013 Fiscal Year that ended Sept. 30, but those dollars can only go so far.

Initially, McMillan and others said they had about a week of so-called carry-over funds to pay the 7,000 regular employees. The Department of Energy media office could not confirm where the reserves stand for LANL, but issued a statement: "If a resolution is not achieved in the near term, the Department will be forced to take further action to shutdown nonessential operations, resulting in employee and contractor furloughs."

Some subcontractors doing nonessential environmental cleanup work in and around LANL were placed on standby Wednesday and told not to continue on the projects, *The New Mexican* has learned. That work affected about 70 employees, one source said. LANL has some 2,000 subcontractors.

If the shutdown is short, those workers will not miss a payday and other Federal furloughed employees can be made whole, but all that is up to Congress, Erickson said.

When asked about LANL cleanup efforts, the New Mexico Environment Department said it has been in close contact with LANL leaders regarding operations. The Environment Department has serious concerns regarding potential disruptions of operations if the Federal shutdown continues beyond just a few days," spokesman Jim Winchester said in a statement. The state "strongly believes the Federal shutdown is unacceptable" and hopes for "a quick resolution for the sake of the continued clean-up and protection of New Mexico's precious resources."

In addition to Federal workers, there are some 1,800 state workers who are paid with Federal grant money spread among agencies such as the Public Education and Human Services departments, as well as State Forestry and public health. Often, those positions are reimbursed after specific work is completed and the state has enough reserve money to cover the payrolls in the near term, said Tim Korte, public information officer for the Department of Finance and Administration.

"As far as a wider impact for the state with regards to spending and revenue, economists are watching and hoping like everyone else," Korte said in a statement. "While there has been no sophisticated state-level study so far looking at potential impacts, obviously we are concerned because of the Federal Government's signifi-

cant influence in New Mexico. The longer the impasse lasts," he said, "the greater the effect on the national and state economies."

The spaceportt America launch is a good example. The UP Aerospace rocket required coo er ation from government workers , such as the FAA to clear the airspace as well as NASA and White ands Missile Range workers to oversee the Oct. 9 launch. There was no choice but to delay it Wednesday, so that participants could still change travel plans.

Anderson said the launch will go forward when the shutdown gets resolved. 'We'll just hang in there until they reschedule," Anderson said. "It will happen. It wasn't scrubbed, it just won't happen on that date."

Senator HEINRICH. I was surprised to hear from our colleague that the shutdown is about the debt. Certainly if we can't get the debt ceiling increased, who knows what's going to happen to our interest rates? I can guarantee you the only outcome of that will be that we have more debt and higher deficits because of that kind of irresponsible behavior.

But as our colleague from Florida brought up, last week it was about Obamacare. It would be easier to negotiate an outcome here if we knew what we were negotiating about. I think we've got to realize how much damage we are doing to ourselves.

I would just—I have one question. It'll be for Dr. Leshner. I would ask him to step back in time to when he was 25 when he first got that grant and just give us a sense, for somebody who is getting their Ph.D. for the first time, they've spent years invested at a university, who's looking out at the rest of their professional career. What kind of a message are we sending to scientists in universities across this country today about whether or not to go to work at the National Radio Observatory, whether or not to go to work at the Department of Energy labs, at NNSA, at National Institutes of Health, or at NASA?

Dr. LESHNER. You know, science is a continuous incremental process that has to go on in a continuous way over time. For a young person to think that their career will be stop, start, stop, start will make it extremely difficult to see real accomplishment over time, because science has to be continuous. We have to be continually working on whatever the problem is or we lose it. And we certainly—someone made the point—are at risk of losing it to our competitors.

Science has gotten more and more global. It's going on all over the world. We collaborate all over the world. But we also at the same time have national interests, and we have to maintain that national standing as well.

Senator HEINRICH. If you're simply somebody who right now can't acquire data on long-term research because of the shutdown, that little piece of this, what impact is that going to have on our science over the next—over the coming years?

Dr. LESHNER. It comes in two ways. One is so there's an interruption and there's a delay. On the other hand, many of those time series studies that have been done are totally dependent on continuity. So if you have a break, you might as well not have done the earlier part because it's only going to tell you the result as a function of being a continuous process.

So although a stall looks like a hiatus, it isn't really a hiatus. Frequently it means, OK, throw away everything you did before because you won't have that continuous series of measurements.

Senator HEINRICH. Mr. Chairman, thank you for holding this hearing.

The CHAIRMAN. Thank you, Senator Heinrich.  
 Senator Cantwell, to be followed by Senator Blumenthal.

**STATEMENT OF HON. MARIA CANTWELL,  
 U.S. SENATOR FROM WASHINGTON**

Senator CANTWELL. Thank you, Mr. Chairman. I really wish that our colleagues on the other side of the dais here would be here. I know Senator Wicker was here and you explained about Senator Thune, but these really are important issues on the impact that this shutdown is having on the American people. And we're hearing in detail about how it's affecting business.

For a minute I thought I was the only one who woke up this morning with extra angst about this situation. Now, hearing my colleagues on both sides of me, I realize that it's permeating. Because why? Because we're getting real stories fed back to us by constituents and those constituents are suffering greatly, all because we won't open the government.

I'm almost overwhelmed, Mr. Chairman, on where to go with my questioning because I have so many questions. I could ask Ms. Blakey about aviation and this registry issue she talked about, which means planes can't get delivered, which means customers can't get planes, which means jobs are going to be delayed; the information I have about the FAA and the fact that the radar system needs to be maintained; if the radar system isn't maintained over time, it has problems and complications; our own situation with the weather buoys. The weather buoys that we have in the Northwest are critical, vital information for us about weather that impacts fisheries.

I guess, Captain, you could say, well, we don't have to worry about it because we're shut down. But when they are fishing it's vital information. But instead of the buoys working and giving information, last weekend we had forecast between the Seattle area and Vancouver Island and we had no idea what was going to happen. When you're talking about 60 or 70-mile-an-hour winds and you're talking about weather forecasts, as you can see in this picture, for those of us who are, my colleague from Alaska, familiar with the Pacific Northwest, not understanding whether the storm is going to hit in Seattle and what needs to be done or whether the storm's going to hit in British Columbia—that's where we were last week. We didn't have the information because there weren't people on the job.

So I look at this situation, and I know my colleague from Mississippi thinks you can just read a few letters and you can say that you can call an agency. Well, I can tell you, I've already called about getting these fisheries open and people have made decisions based on the law and the interpretation of the law.

Now, we can disagree with it. I can disagree with it. My colleague here can disagree with it. We can all disagree with the logic of what lawyers have advised. But the bottom line is that's what they have said in a shutdown happens. So that fishery, as you're saying, the crab fishery, is closed.

So I look—you know what? I just happened to—you've been here, Captain Colburn, a few years ago and I said: Boy, there are so many people on my office team that love you and love that show. Would you sign—

Mr. COLBURN. They don't work for me, though.

[Laughter.]

Senator CANTWELL. No. Well, that's my point, actually. That is exactly my point, because you know what? When I'm sitting here listening to my colleague from Mississippi tell me that it was all about an amendment, that somebody didn't get an amendment, and I started thinking about that picture, this picture of your vessel tossing around in the ocean. If you could see this close-up, you can see the ice all over the vessel. You can see the difficulty that this vessel has to operate under. And you have to come back here just to go and do this job and hear somebody talk about how they didn't get an amendment and that's why the government is shut down.

It's unbelievable to me that we're sitting here and that you have to come and do this instead of being able to do the job that is already dangerous and treacherous to begin with. And now you have to show up in Washington, D.C., which I think speaks a lot about who you are as a person, because you are for doing the dangerous task and you're coming back here and telling us to get our act together.

Now, I want to ask you about this issue because I think some people again are under the false impression that, oh, it won't matter, and that at some point in time you can just go catch these fish, like it won't matter and that if there is some piracy in between now and when the fisheries open that somehow they'll be caught. When you mentioned in your testimony this \$500 million being lost since 2000, we're talking about an operating Coast Guard. We're talking about people who were helping you. Now, with the difficulty of the shutdown, this impact of piracy and this impact that we're going to roll into loss of business is really going to hurt the fishery if it is not fixed in the next 48 hours, 72 at best. Is that not correct?

Mr. COLBURN. We are—even if they do have the creative fix, I think, because it's a fee-based program, and get back on track here, we will still be delayed by at least 3 to 4 days on our normal start date. So that is already a given. That's the what-if. I mean, we don't know for sure that you're going to be able to do that.

But I'll be honest. I would much rather be up in Alaska right now. And everybody knows and they've probably seen that what I do is really a dangerous job. It can be, at times it can be kind of scary. But I'll be honest. I'm a lot more nervous and scared sitting in this room talking in front of you on this microphone than I ever am when I'm out there in 30-foot seas.

But it's even more terrifying when I start hearing about weather systems and weather forecasts getting shut down. A lot of things that impact us out on the ocean, but also that's going to impact people land-based. I mean, the Senator from North Dakota with the blizzard that just hit him recently, where did that blizzard go after that?

So ultimately I'm concerned about the possibility that is very real, that we're going to lose our market share to Russian-caught crab. They're not going to catch our crab. Our crab is protected, at

least right now. Now, if the Coast Guard starts losing more funding, well, there's going to be nobody out there to patrol the date-line.

Senator CANTWELL. They've been cut back 35 percent and they have a very complex set of missions. If there's any organization in the Federal Government that has been asked to do many, many things with minimal resources, it's the Coast Guard. So now they're being diminished another 35 percent. So I think it will be challenging for them, if we don't get this government open, to continue to focus on the piracy.

Mr. COLBURN. Thank you.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator Cantwell.

Senator Blumenthal, and then of course we'll give all the time he wants to Senator Thune, and Senator Klobuchar.

**STATEMENT OF HON. RICHARD BLUMENTHAL,  
U.S. SENATOR FROM CONNECTICUT**

Senator BLUMENTHAL. Thank you, Mr. Chairman. I want to join in thanking the Chairman for having this hearing, as well as the staff of the Committee for doing such a great job putting together a hearing on such short notice on a problem that I think is obviously vital for us to address.

I was listening to one of the shows today as I was buying a cup of coffee, so I caught it out of the corner of my ear and heard about one of the polls that shows that the American people actually have risen in their opinion, favorable opinion of what the government does, not necessarily of the Congress, which I think understandably has diminished in popularity, but a greater appreciation for what the U.S. Government does and what people who work in the government do, which of course is understandable because they are seeing the effects of not having those folks working for them and doing their job and all of the stuff they take for granted.

Of course, we take for granted that when people go into a fast food restaurant there will be some oversight investigation of diseases, food-borne diseases that they may find there, and those food-borne diseases don't go on furlough. They take for granted that someone's going to investigate and prosecute the fraudsters and the con artists who victimize them, and of course they don't put any of their employees or themselves on furlough. Or the unsafe toys or devices, or the other kinds of things that may be in their home, like a chest of drawers. Ms. Weintraub mentioned that. And those safety issues are not put on hiatus or furlough.

So I think there is something very important happening that may be longer lasting, I hope is, among the American public, that is a greater appreciation that these enforcement and other kinds of activities that are undertaken by the government, and the American public, taxpayers, pay for them, so they should understand and appreciate what is done for them.

I want to appreciate, I want to express my appreciation, to Captain Colburn for traveling the 4,000 miles and making us aware of one aspect of these effects.

But the other point is that I also heard on this same show one of the folks saying: Well, you know, Congress doesn't understand

the effects on real people. Of course we do. We're hearing it now, but we've also been hearing it literally day after day, hour after hour, from our constituents. We are listening to them, and it is really a small, very fractional, fringe group that ideologically is in complete contradiction to the appreciation the American people have for what government does. They are nihilists and anarchists. They want to shut down government. That's been part of their agenda. Fortunately, I think they have been shown to be wrong in their opinion that government is worthless, that it does no good.

I want to thank each of you for coming here today and expressing to us very pointedly and persuasively the harm and hardship that has been done to the sectors of the economy that you represent and the segments of people.

Ms. Weintraub, maybe you can elaborate a little bit on the specific examples that you've given about individuals, consumers particularly, who are injured as a result of this shutdown?

Ms. WEINTRAUB. Sure, and there are many that I can't discuss because I don't know about them because the CPSC hasn't been able to do their work.

There were two incidents that I highlighted having to do with product safety and children. The first was the incident of the 2-year-old girl in San Diego, California, who after she took a bath she went to get clothes out of a chest of drawers. Her family heard a loud crash in their home, and a tragic accident occurred that we've been seeing more and more of.

Senator BLUMENTHAL. She was crushed to death.

Ms. WEINTRAUB. Her skull was crushed to death by a large television that was on top of the chest of drawers.

Senator BLUMENTHAL. And the agency that's responsible for overseeing the safety of those kind of devices or equipment that hurt children is the Consumer Product Safety Commission, which is known colloquially as the CPSC.

Ms. WEINTRAUB. CPSC, yes.

Senator BLUMENTHAL. CPSC, that is one of this alphabet soup of agencies that generally is underappreciated or unappreciated by the American public. I just want to say thank you for being here, thank you for making that point. I know it's in your testimony.

My time has expired. Thank you, Mr. Chairman, and thank you all for being here.

The CHAIRMAN. Thank you, Senator Blumenthal.

Senator Thune has been kind enough to say that Senator Klobuchar should go next.

#### **STATEMENT OF HON. AMY KLOBUCHAR, U.S. SENATOR FROM MINNESOTA**

Senator KLOBUCHAR. Thank you. He's my neighbor to the West.

Thank you very much, Mr. Chairman, and thank you for holding this hearing, and thank you. I've worked with nearly all of you, except I haven't been out on your fishing boat. So thank you for your work.

I just had a hearing this morning with Congressman Brady. We both chair the Senate and House sides of the Joint Economic Committee. One of the witnesses, Mark Zandi, who was an economic adviser to Senator McCain in his campaign, testified about how al-



ready just with the shutdown we've seen about a .5 percent decrease in domestic product growth, and that he predicts if it goes on for just even a few more weeks it will be 1.5 percent, 1.5 percent decrease in growth.

When we think about that, I think people automatically think about the furloughed workers and they're not spending money and things like that, but that is really the icing on the cake. What is really the guts of it from what I have seen is all of the businesses that are being affected by this and the slowdowns.

I guess I would just—in this week alone, I've had emergency calls from an aircraft manufacturer, Cirrus in northern Minnesota, a very important employer in Duluth, Minnesota. They are 60 percent exports. They can't ship their planes. They're all at Commerce where they have to go through this registry department and Commerce I think over 80 percent of the—I'm sorry, in the Transportation Department, Ms. Blakey—over 80 percent of those employees are laid off.

Mining companies—these are routine permits, not complicated ones—have not been able to get their permits. Companies aren't being able to get approvals for cosmetics and other things.

I love the analogy, because that's what I've been thinking about all week, is that this business isn't static. Other competitors all over the world, just like for your crab, are ready to come in and take over the market, and people have to start thinking of this even beyond the furloughed employees when it's slowing down American business, just at a time when we're picking up. My state, 5.1 percent unemployment because we've been able to pick up the economy.

I guess I'd start on the jet issue. These are planes they make for people in countries all over the world. Ms. Blakey, as a former Administrator for the FAA I know you're aware of the FAA registry office that allows companies to make final sales and deliveries of aircraft. Secretary Foxx has been trying to work on this, but just because of the rules and the law, as was discussed earlier, he's unable to open that office. Can you discuss the vital role this office plays with commerce across the country?

Ms. BLAKEY. Absolutely. In fact, I can tell you I'm very pleased to have signed a letter yesterday to Secretary Foxx along with a number of other heads of aviation associations, about how vital it is to get the registry back open, because there is a growing backlog of aircraft that not only are ready for sale, ready for transfer, but at the same time they have got time-limited funding. The financing for aircraft is usually in place only for a short period of time.

Senator KLOBUCHAR. Right, because they're so expensive.

Ms. BLAKEY. Well, they do cost a bit. And with that in mind, you don't get long-term loans. So then if you time out on your financing you're back at the beginning of things and maybe you don't have a deal at all.

So there is a tremendous amount at stake on this. It is new aircraft. I also would remind you that the Congress after 9/11 required that everyone that owns aircraft every three years re-register. So you've got a lot of people who have to—to continue to fly must register their airplanes. Those are backing up as well.

So it is a very serious problem and one that needs to be addressed.

Senator KLOBUCHAR. Thank you very much. Secretary Foxx has been great about talking to the companies and trying to work on this. But until we open the government, not on a piecemeal basis because I don't think they're even on the lists of the various bills that have come through—we have to do this in total.

Chairwoman Hersman, I'm well aware of the work that the National Transportation Safety Board does after our bridge collapse, I-35W bridge in the middle of a river on a summer day. How many ongoing investigations or reports on accidents have been curtailed or delayed? I was just thinking, in that bridge collapse, to think if there had been a shutdown, so at least we couldn't have tried to figure out what happened so we could prevent it from happening on other bridges, ending in, by the way, us closing down some other bridges in Minnesota so we could fix them. I can't even imagine the effect of that.

Ms. HERSMAN. We complete about 1,500 investigations every year. So it's safe to say that well over 1,000 have been halted in their tracks. There is very little that we can do to keep those moving and we really have to establish a very high bar to bring our people back to work. We've only been able to do that on five occasions in the last ten days for five different events. The rest we've had to let go, and I think in many cases we've heard about the delays. I think safety delayed is safety denied. If we don't fund these issues, we can't address them.

Senator KLOBUCHAR. A last question quickly, Ms. Weintraub. I'll put some questions in the record about some of the very important consumer issues that you worked on and I've worked on. This is the tenth anniversary of the Do Not Call Registry opened by the FCC and the FTC. However, the registry is currently not operating and fraud prevention and protection programs are not running during the shutdown.

We already know there have been some issues. There was a hearing on this, on the Do Not Call Registry and improvements that need to be made. But I can't even imagine what people will think, as they call us all the time when they are bugged by these calls.

So what's the status of that?

Ms. WEINTRAUB. It is still non-functioning. The FTC's website is actually entirely offline. You go to it, there's a page that says "This website is closed." There's critical information on that website. I use an example: If you are the victim of identity theft and you want to find out what to do, and maybe your State consumer protection agency sent you to the FTC to find out what you should do in this circumstance, how do you try to minimize the damage, there's no information available there.

Many different call centers that the FTC administers and other hot lines that are critical to obtaining information from consumers that could help consumers, there are currently no people working there. So those systems are shut down.

Senator KLOBUCHAR. Well, thank you. Well, I'm hoping these negotiations and all the time over at the White House the last few days will produce something. But I think we all know the simplest

is the Senate bill simply opens the government, and that passed the Senate and we could move on from there. So I appreciate it. Thank you.

The CHAIRMAN. Thank you, Senator Klobuchar.  
Senator Ranking Member Thune.

**STATEMENT OF HON. JOHN THUNE,  
U.S. SENATOR FROM SOUTH DAKOTA**

Senator THUNE. Thank you, Mr. Chairman.

Thank all of you for being with us today. We are on—I guess we're in the middle of what really is, should be, an avoidable partial government shutdown that nobody wants, but nobody seems willing or able to end. So let's hope that changes quickly. I'm encouraged by some of the discussions that are happening here in the last day or so.

But my state of South Dakota, like every state in the country, has felt some of the effects of this. I think that we can't ignore the both immediate and the longer term impacts of having the government shut down, but we also can't ignore the problems that precipitated the current crisis.

One of the reasons we are where we are today is because around here we too often play the short game and not the long game. We end up at the eleventh hour grasping to find a solution to try and solve a problem, and everybody's weighing the political impact of how this, who is going to benefit, who is going to lose. And we really ought to be doing the work earlier in the year and thinking on a more long-term basis.

We didn't do appropriations bills this year. We haven't been doing appropriations bills like we normally should. It seems to me at least that as we think about the fact that we've got a \$17 trillion debt we shouldn't get up to where we're doing—where we've got a debt ceiling crisis to talk about that and to figure out what we can be doing to play the long game around here and to do things that are really in the country's long-term interests.

So we're always dealing from crisis to crisis around here and I think that's an unfortunate way to govern. I know it's the nature of the beast sometimes in this city and certainly with the Congress in the time that I've been here, both as a staffer and as a member. But I think we can do much better, and if we did follow regular order, do the budget, do the appropriation bills the way they're supposed to be done, we wouldn't find ourselves in this situation.

I just wanted to make one observation. I know there has been a lot of—a lot of my colleagues today here have criticized the targeted bills that have been passed by the House of Representatives and I know that approach isn't ideal, but it's not all that undifferent from the process we follow when the appropriations process is working and discrete bills are taken up on the floor.

So when we consider areas that have been discussed today, I think it's worth noting that measures passed by the House would fund the food safety mission that the FDA cited in Ms. Weintraub's testimony, the research at NIH cited in Dr. Leshner's testimony, and the FAA's function cited in Ms. Blakey's testimony, as well as many other areas outside the scope of this hearing.

So while all of us want the government to reopen, I would hope we could acknowledge that there are things that the Senate could do today to mitigate some of the impacts of the shutdown, as we've already done for the military. That was something that everybody kind of found consensus around.

So even though it may not be the ideal way to do things, I think it's important to point out that there is a CR. It's in the House. There's nothing we can do in the Senate about that until the House takes it up and acts on it. But the House has sent us numerous bills now that fund various portions of the government.

So I guess my question for all of you is, are those bills that have come over here from the House that are funding bills, would they fund the various functions of government and things that you've mentioned here today that are important services that the government provides?

[Pause.]

Senator THUNE. Don't all jump at once to answer that question.

Dr. LESHNER. No.

Senator THUNE. Did I get you correctly?

Dr. LESHNER. Yes.

Senator THUNE. You're saying the bills sent by the House would not fund those portions of the government?

Dr. LESHNER. It depends on the bill, but—

Senator THUNE. NIH?

Dr. LESHNER. The NIH was, if I remember correctly, was the clinical center. It wasn't the entire agency. Is that correct?

Senator THUNE. FDA?

Ms. WEINTRAUB. I would argue that the piecemeal approach does not adequately protect consumers. In order for consumers to be protected in terms of the transparency and the fairness in the marketplace, their food, their safety, the air they breathe, the products they use, the cars they drive, the government needs to be fully funded.

Senator THUNE. OK. But I'm just saying, the programs that the FDA funds, would they or would they not be funded by legislation that's been sent to the Senate from the House?

Ms. WEINTRAUB. I believe parts of it would be.

Senator THUNE. I don't think that's true. I think all of it would be. I think the bills that have come over here have been funding bills that fund at last year's level the functions and services provided by many of the agencies that you have mentioned here today.

Ms. WEINTRAUB. But our system of food safety is actually ensured by three agencies: The FTC, the CDC, as well as the USDA. On many issues it's not just one agency that works on it, but there are agencies that work together collectively and share information and build on the work of one another.

Senator THUNE. All right. Well, I will acknowledge that you all want to see the full process work. I think we all do. But I think we have to acknowledge that there are—when you come up here and talk about funding deficiencies for specific agencies and programs, there are bills that have come over here that would fund many of those agencies and many of those programs and many of those services. I don't think you can deny that. FEMA, National Guard and Reserve, you can go right down the list.

So anyway, obviously that's not a question anybody on the panel wants to answer. I do want to ask one specific question. It has to do with the FAA registry issue that, Ms. Blakey, you responded to earlier. There was a letter that was signed by several of our colleagues and a couple on this committee, Mr. Chairman, from both sides of the aisle, basically suggesting that many of those employees in the last time we went through this in the shutdown were declared excepted employees because of the important role they play when it comes to public safety and the important role they play when it comes to national security issues.

So I'm wondering maybe if as we think about this issue—and I think the letter that was sent points out that the last time this was done differently and that it really does bear heavily on issues of public safety, national security, other important impacts, including economic impacts that were already mentioned today. But could you elaborate on some of the challenges and some of those economic impacts related to the registry office being closed?

MS. BLAKEY. I'd be happy to because I think that we are definitely of like mind, that the registry needs to reopen. I would point out one thing that actually took some digging to determine, because the issue of it wasn't closed back in 1995–1996, or 1996–1997, whatever the nature of it was this time. The FAA had actually had an appropriations bill passed, so it was not covered during that shutdown, and that is an important big difference because there were a number of appropriations bills that actually Congress had passed at that point.

That said, the issue that you're raising is a very legitimate one in terms of the importance today. We just signed a letter, a number of us, in fact to Secretary Fox asking that he reexamine the classification or the characterization of the registry as employees that should be seen as excepted, because as you look at the cumulative effect, the first day, second day, it might be harder to argue that there was immediate safety ramifications, but as this builds up we believe very strongly that not only do you have genuine safety concerns of not being able to transfer these aircraft, many of them new, but some of them are older ones, at the same time you have big economic impact, the lack of funding that is going to be there, financing is expiring. You have 10,000 a month that you really do need to provide the registrations for.

Then there are security issues, of the Congress requiring that these planes, all of them, not just new, but everyone re-register their plane every 3 years so that we would know who is up there, where is the ownership of these. It's an important issue from the homeland security standpoint.

So there are a number of ramifications of this that really do argue strongly for opening the registry and trying to then deal with what now is a big backlog of aircraft that need the registry. So again we'd like very much to see this happen and we believe it would be possible to reexamine that in light of the growing problems that are there as the shutdown continues. There also were problems because the sequester had already cut back the staff there, and they had a 36-day backlog before this even began.

So again, anything that you can see your way clear to doing on that front I think the aviation community would very much appreciate.

Senator THUNE. Well, hopefully we won't be in this position much longer. But if we are, I hope they'll follow your advice and the advice of some of our colleagues here and declare those people to be excepted, because I do think they have important missions that they perform in so many respects that are important to us.

So thank you.

Mr. Chairman, thank you.

The CHAIRMAN. Thank you, Ranking Member Thune, very much. Again, I really did sort of bestow upon you a sub-papal blessing for being here. I know you're in the leadership and that you have to be here in terms of votes, but half your economy being wiped out is something most people don't experience as a broad body of a State.

Senator Markey.

**STATEMENT OF HON. EDWARD MARKEY,  
U.S. SENATOR FROM MASSACHUSETTS**

Senator MARKEY. Thank you, Mr. Chairman, very much.

This is a very important hearing. It kind of really makes it pretty clear what's going on. So what is happening is that the tea party controls the House of Representatives and they don't like the government. So they want to shut it down. Then as people start to complain, they say: Well, we'll start to pass bills over here piece by piece to reassemble the government as people identify how that part of the government helps the American people.

So so far they've already passed eight or nine separate bills and sent them over to the Senate. They say: oh, the people like the National Institutes of Health. Oh, the people like national parks. Oh, people want to make sure that women and infants are taken care of. People want FEMA to be funded.

So piece by piece, they keep sending over bills. So this reminds me of a story of a little boy in Russia, and he hated kreplach, just hated kreplach. His mother one night, she decided: I'm going to show him why he should like kreplach. So she takes out the dough and she starts to make the dough, and she says: Just like a pancake. And the boy smiles: Yes, just like a pancake; I like that.

Then she took out the meat and she chopped up the meat and said: You like meat? Oh, yes. Yes, I love meat. She put that in.

Then she baked it up, put it in the soup. She said: You like soup. I like soup.

Then she put the kreplach in the middle of it, and the boy said: Ay, kreplach. I hate kreplach, I hate it.

So what's happening with the Tea Party Republicans is they keep going: The government, the government, I hate it. And now piece by piece, like the kreplach, we're showing them what the government does. You like the NIH. Oh, I like the NIH. You like national parks. Oh, I like national parks. And piece by piece, as we head toward Christmas, we'll have the whole government reestablished after it had been shut down for 3 months. And once it's put together, the Republican Tea Party House members will go: Ay, kreplach; I hate kreplach, I hate the government.

So what do we say to people, though, where the Consumer Product Safety Commission has furloughed 96 percent of its employees right before Christmas? No one is inspecting toys being imported from China that may contain dangerous levels of lead or other life-threatening defects. No one is posting reports to the online consumer product database that I worked to create with this chairman, to ensure that the news of deaths, of serious injuries, are made available to mothers and fathers as an early warning system.

No cop is on the beat investigating reports of actual deaths caused by consumer products, to ensure that additional lives are not lost. Just in the last couple of weeks, an explosion killed a worker on the D.C. Metro, a bus in Tennessee crossed the median and struck a tractor trailer, killing eight, a plane crashed in Arizona killing four. But the cops on the beat at the National Transportation Safety Board aren't investigating any of these incidents.

The National Highway Traffic Safety Administration has furloughed 56 percent of its employees. More people are killed in highway accidents every day than by tobacco or anything else. Furloughed 56 percent of their employees.

No cop is on the beat to investigate automotive safety defects that could lead to death or serious injury. We are also losing our cops on the Wall Street beat. The Commodity Futures Trading Commission has had to furlough 96 percent of its staff. Just 28 people are left to monitor a \$300 trillion market. How many people are being ripped off all across our country and all across our planet right now? The cops are off the beat. Are there any fewer bad guys right now? No. What keeps them from doing the bad things? The good people, the cops on the beat.

So yes, as each day goes by it's going to be like kreplach. You like pancakes, you like soup, you like meat. You like the Consumer Product Safety Commission, you like the Commodities Futures Trading Commission. And piece by piece, the Republicans will have 8 bills, 20 bills, 30 bills, 50 bills they have to pass as the public comes to understand what's in our government.

So to a certain extent that's why the polling is so bad for them. The public now sees what the government does and to a certain extent they're increasingly understanding that the Affordable Care Act is going to make to sure that every poor child in America has health care. So they're saying they're willing to pass a bill to have the NIH get refunded, but still keep the government shut down unless the Affordable Care Act is repealed or delayed a year so that poor children can't be covered for coverage. I don't think the public is there. I don't think that's what it's all about.

I think what you have been talking about this afternoon has explained more fully what it is that we need the government to do. And what is the government, after all? The government is playing a role that individual families can't do for themselves. That's why we have government. It's the stuff we all decide we have to do together.

And thus far the Tea Party Republicans in the House, they haven't decided yet that the Consumer Product Safety Commission is important enough. But the American people believe it's important. They haven't decided yet that the National Transportation Safety Board or the National Highway Traffic Safety Administra-

tion is important. But they will as each day goes by, when they understand how people's lives are permanently altered because there was no protection.

So I thank you so much for everything that you have been doing.

I would ask, Mr. Chairman, that I want to add my concern that this shutdown on top of the sequester is harming American science and our innovation economy very badly. Let's be honest. That's who we are in this country. We are the innovation economy for the planet. That's our business plan. That's what 3 percent of the world's population does as a business plan for the next generation. And when you're shutting down the NIH, when you're shutting down all these other science-based, innovation-based programs, China and India are just looking at us, saying: What are you doing? That's your business plan. That's what we're afraid of.

We don't have to be—we don't have to be afraid of them, but we should respect them. They're coming at us in each one of these areas, and that is being shut down in our country. If it goes on much longer, it just calls into question every young person saying: Why should I go into those fields? Why should I spend my life doing that when I can do other things that actually reward me much greater?

So I have here, Mr. Chairman, a letter from Dr. Susan Avery, who is the Director of the Woods Hole Oceanographic Center, to be included in the record. She notes that "The costs associated with a government shutdown far exceed the real or hard documented costs, particularly in the science community, where funding interruptions can have a lasting impact on science experiments, long-term observations, and research personnel." I would ask, Mr. Chairman, that that letter be included in the record in its entirety.

The CHAIRMAN. So ordered.

[The information referred to follows:]

WOODS HOLE OCEANOGRAPHIC INSTITUTION  
Woods Hole, MA, October 10, 2013

Hon. EDWARD J. MARKEY,  
United States Senate,  
Washington, DC.

Dear Senator Markey:

For the Senate Committee on Commerce, Science, and Transportation's October 11th hearing on "The Impacts of the Government Shutdown on Our Economic Security," I would like to share with you some of the impacts of the shutdown on Woods Hole Oceanographic Institution (WHOI). They are dire, and even more so because they are occurring within the broader context of a dangerously eroding budget environment for research in our Nation.

Let me explain: The failure to provide sustained investment for basic research and STEM education continues to jeopardize the viability of scientific and engineering entities across the country, including ours—an independent, nonprofit institution dedicated to ocean research and engineering. WHOI supports more than 1,000 employees and has a long legacy of making discoveries that have led to new environmental forecasting capabilities, improved fisheries management, life-saving medical products, novel technologies and commercial products, numerous spinoff businesses, safer and more efficient shipping, and strategic naval advantages that ensure our national security.

Unfortunately, the 2013 Battelle Global R&D Funding Forecast shows that U.S. R&D investment continues to slip. According to the American Association for the Advancement of Science, "... these figures put Federal R&D investment at its lowest point since FY 2002 ... [representing] a 17.1 percent decline in just three



years.”<sup>1</sup> In 2005 and again in 2010, a committee convened by the National Academies has issued sobering warnings that the Nation was starving its future capacity “to enjoy the jobs, security, and high standard of living that this and previous generations worked so hard to create” by failing to invest sufficiently in basic research and science education.

This lack of foresight in R&D is having a particularly corrosive effect on ocean science where the investment, as a percentage of the GDP, has been reduced by half since its highpoint in the 1980s.<sup>2</sup> This is disturbing given our increased understanding that the ocean is the planet’s “flywheel” that drives climate and weather, including the rapid warming of the Arctic, sea level rise and shorter-term catastrophic storms and droughts.

Last year the Nation suffered from 11 major weather and climate disasters costing more than \$1 billion each, including hurricanes, floods, droughts, heat waves, wildfires, and Superstorm Sandy. Cumulatively they caused more than \$110 billion in damages—the same amount that the Federal discretionary budget was reduced due to sequestration.<sup>3</sup>

Changes in marine ecosystems—warming seawater, ocean acidification, increased harmful algal blooms—are disrupting the \$200-billion-a-year U.S. commercial and recreational fisheries and related industries,<sup>4</sup> and threatening the health of coral reef systems. It is estimated that coral reefs alone provide about \$375 billion to the global economy each year, supporting tourism industries, supplying 25 percent of the fish consumed by people, and providing barriers that protect coastlines from sea-level rise and storm surges.

More than half the U.S. population lives and works along the coast. East and Gulf Coast properties values alone top \$9 trillion.<sup>5</sup> Add in figures for public infrastructure at risk, including roads, rail lines, harbors, drinking, wastewater, and nuclear facilities, and the economic liability is immense. The ocean science community is poised to deploy new technologies and provide increased information and insights that will help manage the rapidly escalating risks facing core economic infrastructure, but cannot do so with a stagnate budget.

The recent government shutdown threatens to exacerbate the already difficult budget environment that WHOI is attempting to navigate. Impacts potentially facing WHOI include:

- The possible loss of an Alvin certification cruise and delay in the certification process needed to get upgraded sub back conducting research
- The possible furlough and loss of NSF Ocean Observatories Initiative (001) contract staff, requiring the hiring and training of new support staff
- The possible delay of 001 Pioneer Array deployment cruise
- The possible loss of a Harmful Algal Bloom research cruise on a NOAA vessel
- The closure of the NSF Antarctic Palmer research station and evacuation of WHOI scientists supporting Long-Term Ecological Research, resulting in:
  - Possible loss of much of the field season data collection and resultant gap in baseline data
  - Potential elimination of a research cruise
  - Interruption of graduate students’ research
- WHOI financing of staff salaries and associated grant costs pending the resumption of government services, negatively impacting WHOI budget and possibly requiring layoffs
- The inability of WHOI scientists to collaborate with Federal scientists on ongoing research projects or administrative staff about grant and budget issues.

My message to you and the members of the Senate Commerce, Science, and Transportation Committee is that the costs associated with a government shutdown far exceed the real or hard documented costs, particularly in the science community where funding interruptions can have a lasting impact on science experiments, longterm observations and research personnel. As the Nation’s premier private, not-

<sup>1</sup> AAAS: R&D in the FY 2013 Budget, <http://www.aaas.orgisppirdify2013/>

<sup>2</sup> U.S. Commission on Ocean Policy 2004

<sup>3</sup> NOAA National Climate and Data Center 2013

<sup>4</sup> Fisheries Economics of the United States 2011

<sup>5</sup> Hurricane Ike: Nature’s Force vs. Structural Strength 2009

for-profit ocean research and engineering institution, WHOI's operations and success is dependent upon sustained support from the Federal Government.

Sincerely,

SUSAN K. AVERY,  
*President and Director.*

cc: Senator Elizabeth Warren  
Representative William Keating

Senator MARKEY. Thank you, Mr. Chairman.  
May I continue?

The CHAIRMAN. You may.

Senator MARKEY. I thank you.

Do you all agree—just quickly, do you all agree that the Federal Government shutdown has increased our risk of serious injury or death because the cops on the beat who are responsible for the early detection of disease, consumer product defect, or dangerous environmental pollution are not at work, yes or no?

Ms. WEINTRAUB. Yes.

Mr. COLBURN. Sure, yes.

Ms. HERSMAN. Sure.

Senator MARKEY. Yes?

Ms. WEINTRAUB. Yes, sir.

Senator MARKEY. Yes?

Ms. BLAKEY. I'm actually not in a very good position to judge on what you've laid out there.

Senator MARKEY. OK. I got four yesses and a "not in a good position."

So we have lost many of the fundamental protections from poisons, defective products, financial crime, because the Federal Government are being held hostage by an extreme faction.

Rachel Weintraub, do you agree that the Federal Government shutdown has increased the potential for market manipulation in our equities and futures marketplace because the cops on the beat who are supposed to police the markets are not at work?

Ms. WEINTRAUB. Yes, I do.

Senator MARKEY. Is it possible that once the financial regulators get back to work they will never have the time or ability to access and analyze the large backlog of data awaiting them to ensure that they identify any wrongdoing and take steps to prosecute it?

Ms. WEINTRAUB. Yes, especially as the shutdown continues.

Senator MARKEY. Next, just yesterday the founder of market research firm Nanex noted that the markets have been wilder than any time since August 2011 and that high frequency trading is running rampant. Should we be finding a new way to fund the Commodities Futures Trading Commission so that the next time there's a dispute over the budget we aren't forced to pull our financial cops off the beat?

Ms. WEINTRAUB. Yes. This is yet another example of the need for more robust funding for CFTC and for CFTC to be self-funded in the way that other financial regulators are.

Senator MARKEY. Finally, Mr. Chairman. Ms. Weintraub, what are the implications of the Federal Trade Commission, the agency in charge of consumer protection and privacy, closing its doors for an extended period of time? Is there anyone able to investigate if cyber stalkers target children playing on their parents iPad?

Ms. WEINTRAUB. There is not.

Senator MARKEY. There is not.

Kreplach. We just disaggregate the government and we can see what it's doing on a daily basis to protect every family in our country.

I thank you, Mr. Chairman, for this very important hearing.

The CHAIRMAN. Thank you, Senator Markey. I repeat, I'm so glad that you're here.

The CHAIRMAN. Senator Begich has a question. I think Senator Cantwell may, too.

Senator BEGICH. Mine will be very short. But just to be fair because it's a tough question that the ranking member asked because you don't want to get crossways of a big issue we're dealing with here. But I want to assist the Senator in the answer to his question. For my friend from Alaska, Captain Colburn: The Coast Guard wasn't in any of those bills, NOAA wasn't in any of those bills. So your permits would not be solved by those bills that were sent over from the House.

To Ms. Blakey: The satellites weren't in any of those bills. In all fairness, the commerce bill didn't come over. But I want to not put you in—I'm happy to answer these questions because I think it's a good question, because the assumption is by those bills coming over magic happens, people get funded. But if I had voted for every single one of those piecemeal bills here, you still would not be out in that crabber today, those satellites would not be up in the air. That's a fact.

Ms. BLAKEY. And again, to be fair to Senator Thune, FAA was in those bills.

Senator BEGICH. Oh, I agree with that.

Ms. BLAKEY. But—

Senator BEGICH. But you know where the satellites are. They're in the Commerce bill.

Ms. BLAKEY. Understood, understood.

Senator BEGICH. And NOAA, which a lot of people don't like NOAA because they don't like some of their other issues, but the fact is half their budget is satellites. Is that fair?

Ms. BLAKEY. Across the board—yes, it's tremendously important. Across the board, we are also still struggling with the effects of the sequester coming in 2014.

Senator BEGICH. Absolutely.

Ms. BLAKEY. And that will be also tremendously difficult for all of these agencies. I can testify on the ones such as NOAA and FAA.

Senator BEGICH. So we have to kind of jump past this and get the sequester done, then.

The last thing while I have you, one of the questions I had. The other issue in aviation, too, besides the registry is the other piece of the equation, which I know in Alaska as we move into the winter months, schedule changing occurs, when the flights will go or not go. That takes work with the FAA, and that is not happening now, because as we move out of the summer season, we move into the fall season scheduling plan. Is that also your understanding from many of your members?

Ms. BLAKEY. I'm not as detailed on that as I would like to be. But certainly one of the difficulties with the air traffic control situ-

ation right now is, while you have the controllers in terms of day to day operational, you don't have all of the work that goes behind them planning the changes that have to take place.

Senator BEGICH. Right.

Ms. BLAKEY. So there's a lot of work that isn't seen necessarily, but is right now—

Senator BEGICH. Is critical.

Ms. BLAKEY.—critical and not happening.

Senator BEGICH. Very good.

Mr. Chairman, I'll just end on this. To my friend from South Dakota, I agree we should have those appropriation bills. But remember, when we do those appropriation bills actually the government is open. Every time we've done those, the government is open. So I think that's a good point, that in a way you might call these ones coming over kind of like mini-appropriation bills. But usually when you do have appropriation bills the government is open.

The CHAIRMAN. Senator Cantwell.

Senator CANTWELL. Thank you, Mr. Chairman.

Ms. Blakey, could you comment on the Instrument Landing System and how that works in variable weather conditions and your knowledge about how the FAA works with that? Right now I'm concerned that the Coast Guard on their missions, say they have somebody that needs to be rescued, is actually having to fly out on a different path just because they don't have their instrument landing checkmark certification by the FAA. Is that something that—

Ms. BLAKEY. Well, certainly ILS around the country are very important from the standpoint of navigation. It's something that they operate at varying levels of technology and they do have to be constantly maintained and certified. I don't know the specifics on the Coast Guard's need in this regard, but I can certainly try to look into it. As manufacturers, we're not as close to that day in and day out interplay between the requirements of an agency like the Coast Guard and the FAA. This would take me back five years plus. But I'd be happy to look into it.

Senator CANTWELL. Well, my understanding is that we, from an operational perspective, even though I would consider that preservation of life, the fact that these Coast Guard flights are rescuing people and flying them— if it is on an Instrument Landing System, then that would be added to your list of these back-end system issues at FAA that aren't being processed or kept up with, so that you have the Coast Guard having to operate these flights and potentially taking people out all sorts of different routes, even though they're supposed to be life-saving flights, just because we don't have that certification during this shutdown.

Ms. BLAKEY. They are very short. You're certainly right to focus on the fact that the ongoing certification and maintenance right now, you're down tremendously in terms of the manpower to accomplish those things. And there's going to be a greater and greater backlog and more and more things that are not going to be able to then be utilized if this goes on a lot longer.

Senator CANTWELL. Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Any other questions?

Senator THUNE. Mr. Chairman, if I might just ask one more, is that OK?

The CHAIRMAN. Of course.

Senator THUNE. And I do not disagree at all that this should be handled in the normal appropriations process. But we didn't do a single bill this year, a single appropriation bill. We tried to get one across the floor, one, and didn't pass it.

But I guess my point is this. I understand what you're all saying, that if you can't have everything then it's not a good outcome. But it strikes me at least—and I would throw this out there as a question; I'm guessing you're probably not going to want to answer this question. But isn't having some funding better than having no funding?

Some of the things that have been mentioned—we're checking. I'm not sure, Mr. Leshner, that the NIH budget wasn't just straightforward funding. I don't think it picked out individual pieces of it. I think it was NIH funding at last year's level. But wouldn't it be better to have that?

All I'm saying, Mr. Chairman, is, according to the Senator from Massachusetts, there are some Tea Party Republicans in the House who don't like some Russian dish, and I get that. But they have a funding bill over there. They have a clean funding bill in the House. They haven't moved it yet. They will, I hope, at some point. I mean, I don't think this can go on forever. Move something at least that can pass, get 218 over there and the votes necessary to pass here.

But in the meantime, what we can do is do some of the things that they send us. And we have done some things. We did pass legislation that would fund the active duty military. I think we ought to fund the National Guard and Reserve. I offered a unanimous consent request to that effect on the floor and it was rejected.

So all I'm simply saying is—and I guess that's the question. Obviously, I heard crickets when I asked it. But isn't it better to have some funding than no funding?

[Pause.]

Senator THUNE. OK, I'll answer it—

Mr. COLBURN. I'll answer that. Not if you're the person that's not getting the funding.

Senator THUNE. I agree. But I'm saying—

Mr. COLBURN. I mean, if the block is riddled with families and one family has a great Christmas and everybody else has nothing, that doesn't seem like a very good Christmas.

Senator THUNE. I'm not talking about the whole enchilada. I'm talking about Ms. Weintraub and Mr. Leshner said that we can't—if we don't get everything, then we can't perform the functions that are required of us or provide the services required of us. I'm saying, isn't it better in some of those agencies to get some level of funding to fund some of the things that we can fund rather than none?

I mean, I would rather have people back at work, particularly in some of these essential areas, which strike me as being a pretty important priority. Again, there's nothing that we in the Senate here can do today other than encourage our House colleagues to do something with what they have over there in front of them. All we can do is what we can do, and I just think that we have an oppor-

tunity, if we should take advantage of it, to fund some of these essential things.

Senator BEGICH. Mr. Chairman, Senator Thune, if I can answer. You know, the problem is I think what the Captain just said. If we voted for every single one of those, his livelihood is collapsed. We're picking winners and losers when what we should be doing is looking in the totality of government and saying, let's put it back to work, and then let's have these debates. For example, you and I have agreed on some things that we need to curb back in government.

But I think the example that the Captain gave was a very interesting one. Here's the street, you three win, you five don't, because of the priorities the House has set.

We've also suggested amending those bills, as you know, and send them back over there. But we have to be careful in who the winners and losers are here when—right now, yes, maybe the Institutes of Health is fully funded, product safety is not, FAA is, national safety is not, Coast Guard, NOAA is not. So now I look at this table and I see two and a half winners.

That means the economy—not the government employees that the Captain employs, but the private sector people and families that he supports—and those crabs aren't waiting around twiddling their thumbs or their claws waiting for the shutdown to end. They will move on or die off, just like the cod, in about 2 weeks, the same thing. They're not waiting for some magic to happen here. That means that income never comes back, never comes back.

Senator THUNE. And I don't disagree with that.

Senator BEGICH. That's my concern.

Senator THUNE. Well, reclaiming my time, Mr. Chairman. Again, if we put a bill on the floor, then I would vote for an amendment that you would offer that would fix that particular situation for Captain Colburn that you just mentioned. We are limited to what we can do in the Senate until the House does what it needs to do.

All I'm simply saying is that—and the bills that we've sent back to the House have been the identical bills that they've already been sent over. We haven't amended them. We just sent them. We tried to send them again the same thing that we've sent them before. That's been the dueling unanimous consent requests that we had on the floor.

So until they take that up and do something with it, the things that they sent us over here, if we pick them up and pass them by unanimous consent like we did the active duty military bill, we restore the functions of the government. And there are certain things that I think are really important, that are priorities in my State. The priorities in your State ought to be acknowledged as well. So certainly it's your right and opportunity, and I think you'd find a lot of support for amending those bills.

Senator BEGICH. Mr. Chairman, just to close, I would say one thing. We did the DOD bill, but because of the rush and the haphazard crisis management guess what we forgot? To pay survivors. So we had to do another rush.

So my point is, crisis management from any administration's standpoint—and I've run businesses, I have been a mayor—is the worst type of policy because you will miss things, just as we did.

When that bill came over from the House we all rushed because we wanted to make sure the safety of this country was taken care of for our military. We did it, we passed it. We were all excited. Then, oops, we forgot something.

I don't want to do that, because whose next do we forget. So I'm with you that we should figure it out. My priority is mine. Maria may have a new priority, Jay Rockefeller. Then we go right back.

Senator THUNE. Well, we can all amend them. We've got appropriation bills. We've got vehicles on the floor right now, appropriations bills.

Senator CANTWELL. My amendment would be to open up government.

Senator THUNE. The Senator from Washington could offer that amendment and it would probably pass, and it would go back to the House. And until the House picks it up—

Senator CANTWELL. Well, let's go.

Senator THUNE.—nothing gets funded. So all I'm saying is what we can do here in the Senate is all we can do.

The CHAIRMAN. I'd like to make a statement.

Senator THUNE. I was waiting for this.

[Laughter.]

The CHAIRMAN. I think the problem is gimmickry, that is you've got a problem and we'll fix it, the real effect of it and understandably felt the real effect of it is to lessen the pressure on the House to do what the House has to do, and which the House doesn't want to do. No, we can't take care of that in the Senate. But by rejecting some of these—government isn't like it's a whole, it's just agencies that don't talk to each other. Government is a vast enterprise which works together. Just like business, government has to feel that the future is going to be stable.

So if you kind of—you buy off one group and another group, and that all sounds good. What it really is doing to me is undermining the whole concept of government, decent government, which we have a hard enough time doing anyway, a decent government acting as a whole for the American people, for, by the people who put us here.

We have to make the whole government be back in order. We have to fund it all. And that doesn't even get at my vast frustration of sequestration. I think that's an overwhelming sickness that has to be eliminated.

Dr. Leshner is going to have a much thinner magazine to put out when people just start saying—I mean, it's like people who study to go and be geriatricians in medical school. What always happens is, it's a terrific thing to do because the country is aging very rapidly, but they last about 2 years and then they switch to a much more well-paying specialization, anesthesiology or something of that sort, because they just—the pay isn't like it should be and older people are harder to work with and all that kind of thing.

You have to have a holistic effort where everybody is inter-stitched, if not in every function, at least in their psychology, that we are back as a whole country, a whole government, and that we put down this what I really think is a hijacking effort by the Tea Party folks.

I was just pointing out to Senator Thune, who I enormously admire and he knows it, that there's a poll out now that came out this morning. Polls are polls are polls, but this one now indicated that something like 30 to 35 percent of all Republicans see themselves as Tea Party. They identify themselves as Tea Party. I don't think either Senator Thune or I believe that, but it's part of what I'm talking about.

We are into a generation, or at least a decade, of dividing each other, cutting each other, separating ourselves from each other, not understanding what our common purpose is here, not understanding what it means to get out of bed really excited to get to work instead of having to say, well, boy, the big deal today is going to be a live quorum or some judge that gets voted on.

We aren't doing big things. We aren't even approaching that. I fear also for the institution of governance as a whole. People have lost so much confidence. Of course they've lost confidence in Congress. We're at 5 percent, we're lucky. But if they lose the confidence in the future—Dr. Leshner, your people have to have confidence in the future because they're putting down big debts for long-term efforts and they'll get Nobel Prizes or they won't, but they're going to make a heck of a difference.

Every one of our folks testifying this morning are part of not just something called the National Transportation Safety Board; they're part of something called the U.S. Government and its responsibilities to the people as a whole. And every one of us are joined in that.

We've decided somehow that we have to, because of this phenomenon that's come up and because of the—I don't know, I think it started out with the health care bill, but we've decided we're just going to tear each other apart. And you can't cure that by funding two and a half of five people. You cure that by saying we are in this as a whole people, as a whole government, and that we mean to stay that way, so that your scientists and your experts on pipeline explosions and bus, this and that, everything else, have a sense of continuity themselves and don't start looking for other jobs.

People don't hang around—and agree with—you said that, didn't you, Mark—that people don't hang around waiting for us to sort out our problems. They've got to move on. They've got to live, and they're going to find jobs where they can get them, even if they're lesser paying and they're totally out of what the field of interest is.

I don't think any of us can say that we get out of bed every morning just anxious to run to work. I've spent 50 years in public life, starting with the Peace Corps—no, actually starting with VISTA; Peace Corps was before that—loving every single day because of something called public policy. And why do I love this committee? Because it has really, really smart people on both sides on this committee and we have an enormous range of responsibilities, some of which are less known to the American people, but all of which are enormously important in affecting families and their livelihoods and their self-esteem.

Self-esteem. Our country is losing its self-esteem because of gimmicks and trickery and not facing up to problems. When a country



begins to lose its self-esteem, when it begins to separate itself from government as not their favorite outlet, something which can be there for them when it's needed without having to think, now, is this one funded, is that one funded—it's a whole effort. It's the opposite of whatever that soup is from Russia that you were talking about, my dear friend Senator Markey.

No, I think we're at a crux and I think this thing is going to be settled one way or another, and it's going to be political, it's going to be unpleasant. It's past the point where it can be done logically. Now we're sort of each trying to put each other in a position where we can't not do the right thing, depending on your point of view. That's a horrible way to run a country. It's a horrible way to be in Congress. It's a horrible thing to do to the American people. It's a horrible thing.

All I have to do is think of MSHA not inspecting the coal mines in West Virginia and I can stay angry for three weeks just saying that. I could say that all day and stay angry, just like Maria gets angry. I like it when Maria gets angry.

I'll get off my soapbox here, but I don't—I think this is a holistic solution or it's a catastrophic result for the United States of America. I don't want that.

This hearing is adjourned.

[Whereupon, at 3:42 p.m., the hearing was adjourned.]



## A P P E N D I X

RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. AMY KLOBUCHAR TO  
DR. ALAN I. LESHNER

*Question.* More than 40,000 of the Department of Commerce's 46,000 employees are furloughed. This has many unwelcome consequences, but the Census Bureau and the Bureau of Economic Analysis (BEA) are not providing the economic statistics that the Federal Reserve, businesses, investors and others count on to make informed decisions. Ultimately, these decisions affect all of us. This is an often overlooked impact of a shutdown. Could you discuss how consumers will be affected by the lack of information being collected by the Federal statistical agencies?

*Answer.* The Federal Government collects, analyzes and disseminates an enormous amount of data; including scientific, technical, statistical and economic data. Economists and social scientists have come to rely on up-to-date Federal data, so the government shutdown essentially slowed and in many cases shut down the flow of facts that can be utilized to make critical decisions. For example, the shutdown of the Bureau of Labor Statistics' delayed the release of spending on construction, employment trends, and the Consumer Price Index; information that could impact decisions by investors on where to invest in financial markets. Alan Greenspan was quoted as saying that investors essentially were "flying blind" during the government shutdown. This ultimately has economic consequences at a national and even global level.

But there are other agencies that also gather statistical data that may not be the first ones to come to mind as a typical Federal statistical agency. The Department of Energy's Energy Information Administration and units within the Department of Agriculture gather data that directly impact commodity markets dealing with energy, grains and livestock. The lack of real-time data hamstrings the ability of sellers to negotiate effectively with buyers.

Within the Centers for Disease Control, for example, resides the National Center for Health Statistics and according to their report they were forced to furlough more than two-thirds of their staff. This limited the ability of the Center to monitor outbreaks of infectious diseases and food borne illnesses in real-time; critical public health data that many states and localities rely on.

Ironically, the government shutdown and the inability to gather statistical data set the stage for a social experiment on the impact of the shutdown to our national economy. It is an experiment that many economists and social scientists will be analyzing and reporting on for months to come. But it is an experiment I would not recommend repeating.

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RESPONSE TO WRITTEN QUESTION SUBMITTED BY HON. BRIAN SCHATZ TO  
DR. ALAN I. LESHNER

*Question.* The Federal Government shutdown has prevented collaboration and communication among researchers as Federal researchers were prohibited from participating in scientific meetings and conferences. In addition, there were instances when scientific meetings and conferences were postponed because of the shutdown, such as the White House sponsored meeting scheduled for October 3, 2013 on Big Data technologies. This conference would have provided the opportunity for public and private sector stakeholders to build partnerships on developing Big Data technologies. Furthermore, the American Association for the Advancement of Science also postponed its October 7, 2013 conference, "Microbiomes in the Built Environment." Could you please further elaborate on why these scientific meetings and conferences are important, why Federal participation is necessary, and how the Federal Government shutdown has impacted scientific advancement?

*Answer.* The AAAS represents over hundreds of thousands of scientists, engineers, and mathematicians—many of whom work for the Federal Government—across a broad spectrum of disciplines. The free exchange of scientific ideas and in-

formation is crucial to advancing science and innovation, and conferences are a standard mechanism for the transfer of information among scientists and engineers.

Federal participation in scientific and technical conferences runs the gamut from small, specialty meetings targeted to specific areas of Federal interest to broad disciplinary or multi-disciplinary conferences that offer access to tens of thousands of research papers and hundreds of sessions, many of which are concurrent. Meetings are often organized as venues for interaction between scientists and engineers across government agencies and laboratories working in areas of common interest.

These professional conferences provide a variety of opportunities for Federal agencies to advance their research missions in real and tangible ways:

- Scientific, engineering and technological innovation is increasingly a joint effort between researchers from government, universities, industry, and other institutions. The ability to network allows for the exchange of science and technological information at a much faster pace.
- It is critically important for Federal scientists and engineers to know the top researchers in their fields personally and to be as current as possible on promising research directions. This is especially true when they are responsible for funding research outside their agencies or for gathering information on world-wide breakthroughs.
- Many Federal program managers use technical conferences as opportunities to engage with a wide collection of researchers for peer review, program reviews and future program planning, and to efficiently examine a large collection of independent research projects. Because the alternative is multiple visits to individual research laboratories, this approach represents a significant savings of both cost and time.
- Many science and technology conferences provide undergraduate and graduate students with an opportunity to present their research through poster sessions, allowing Federal researchers and program managers an opportunity to recruit prospective researchers.

